

Office of Legislative Oversight Report 2004-7

**Limited English Proficient Persons:
Access to County Government Services**

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Group Classifications of Languages Spoken at Home

Broad Language Categories	Languages Included
Spanish	Spanish and Spanish Creoles
Other Indo-European languages	French
	French Creole
	Italian
	Portuguese and Portuguese Creole
	German
	Yiddish
	Other West Germanic languages
	Scandinavian languages
	Greek
	Russian
	Polish
	Serbo-Croatian
	Other Slavic languages
	Armenian
	Persian
	Gujarai
	Hindi
	Urdu
	Other Indic languages
	Other Indo-European languages
Asian and Pacific Island languages	Chinese
	Japanese
	Korean
	Mon-Khmer, Cambodian
	Miao, Hmong
	Thai
	Laotian
	Vietnamese
	Other Asian languages
	Tagalog
	Other Pacific Island languages
All Other languages	Navajo
	Other Native North American languages
	Hungarian
	Arabic
	Hebrew
	African languages
	Other and unspecified languages

Source: U.S. Census Bureau 2000

Appendix B

**LEP Services Survey Analysis for Departments and Agencies in
Montgomery County**

1. How are limited English Proficient clients identified?

- Self Identification
- Observation
- Conversation
- Referrals

2. Name the units where language assistance is likely needed?

County government components can be grouped into categories based generally on the nature, purpose, and consequence of their interactions with the general public and/or LEP populations. These are categorized by their function and indication of programs potential interaction with LEP populations and language assistance need:

Departments or programs whose mission or primary function is to serve the internal management and administrative needs of the County itself. Here, potential interactions with LEP individuals are at most infrequent and secondary to the services performed by these components.

Category- Infrequent

- Department of Finance
- Board of Liquor Control
- Office of Human Resources
- Office of Management and Budget
- Office of Intergovernmental Relations
- Department of Technology Services

A second category (2) includes components whose mission or primary function is to serve the legal, investigative, and policy needs of the County in a manner that either is not dependent upon interactions with the public or historical data suggest no significant LEP involvement.

Category- Moderate

- Department of Environmental Protection
- Permitting Services
- Department of Economic Development
- Office of Procurement
- Liquor Control
- Commission for Women
- Community Use of Public Facilities
- Regional Service Centers
- County Attorney's Office
- Offices of the County Executive

A third category (3) includes components whose mission or primary function is

the provision of services, information, or assistance to residents, and potentially serving significant LEP populations, who could be characterized as limited English proficient.

Category- Significant

- Public Information Office
- MC Public Libraries
- MC Police Department
- MC Fire and Rescue Service
- MC Department of Public Works and Transportation
- MC Department of Recreation
- MC Department of Health and Human Services

3. List of resources available in languages other than English Most Departments mentioned employees with multi-lingual pay differentials Resource varied according to Department or programs some included listings of the resources others made reference to a person or a web page.

4. Identify the non -English languages most likely to be encountered in your department/agency

Spanish, Chinese, Vietnamese, French and Russian

5. Action or measures currently utilize vary among programs

Some have volunteer translators

Some have designated staff specific to populations

Bilingual pamphlets

Volunteers

Language lines

Websites

Professional translation services

Personnel

Wear buttons or have signage in various languages

6. Define and identify vital documents.

Some defined and listed informational flyers and brochures

Some made general references

Some indicated applications were translated

Others provided press releases

7. Uses of the vital documents?

Again varied among departments from many educational to a limited number of service related applications and notices. Some identified the vital documents as basic community needs others indicated they were informational. Little information was provided about follow-up on service documents.

8. Detail Budget?

The amount again was from one Department showing \$650,000

To some in the \$16,000- \$40, 000

A few at the \$6,000

Many stated there is no designation of funds for providing services in other languages

Although some indicated no budget, they did have a multi-lingual pay differential cost.

9. Additional need to address people with LEP.

Consistency on how to identify language needs

Resource allocation

Clear definition on what are vital documents and should they be service oriented versus educational.

Multilingual signage

10. Identify resources needed but not in your department.

Professional translators

Funds for printing, software

Multilingual signage

Culturally and linguistically capable employees

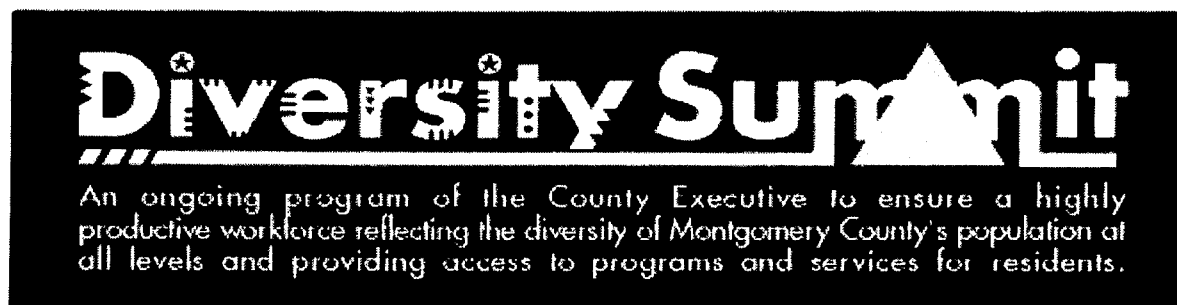
Training on multicultural awareness

Identifying and planning for demographic changes

The amount of materials available varies by Departments and Programs

Proposed recommendations

- Initiate an educational and awareness campaign to inform the public of the existing policy
- Seek stakeholders input
- Give guidance on County LEP policy
- Identify and share model plans, examples of best practices, and cost-saving approaches
- Share language assistance materials and services among programs, community groups, and businesses
- Measure its effectiveness and make modifications as necessary
- Standardize documents
- More use of the volunteer bank
- Centralization
- Examples of best practices, and cost-saving approaches
- Reviewers of documents
- Sign Language interpreters in non English
- Timeliness of translations
- Share language assistance materials and services among programs and community groups.



Montgomery County, Maryland
Offices of the County Executive
Office of Community Outreach

Limited English Proficiency Plan

Definition:

Any individual who is prevented from meaningful access to services because of his or her inability to read, write or understand the English language is deemed to be of limited English proficiency.

Statement of Policy

It is the policy of the Montgomery County Executive Branch that departments, agencies and programs take reasonable steps to provide equal access to public services for persons with limited English proficiency (LEP).

We are committed to eliminating any remaining barriers to services, programs and activities to eligible limited English proficient persons.

History and Background

Limited English Proficiency is based on Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally conducted and federally assisted programs on grounds of

racial background or national origin (42 U.S. Code 2000d *et seq.*, Pub. L. 88-352, Title VI, Sec. 6701, July 2, 1964, 78 Stat. 252).

Presidential Executive Order 13166 signed on August 11, 2000 directly links Title VI to the LEP community (65 Federal Register 50121). It calls for all agencies receiving federal financial assistance to develop and implement plans that will ensure access to government services for all LEP individuals. Each agency's plan is to be tailored for its service recipients in accordance with federal guidelines as developed by the United States Department of Justice.

The U.S. Department of Justice issued policy guidelines on EO 13166 (65 Federal Register 50123, August 16, 2000). The policy "does not create new obligations, but rather, clarifies existing Title VI responsibilities." Factors that will determine how agencies implement LEP policy include 1) number or proportion of LEP individuals in the population, 2) frequency of contact with the program, 3) nature and importance of the program, and 4) resources available to the service delivery agency.

Because of the critical nature of its programs, the United States Department of Health and Human Services (USHHS) also provided policy guidelines (65 Federal Register 52762, August 30, 2000). The policy guidance covers all entities that receive direct or indirect federal financial assistance from USHHS, including any state or local agency, private institution or organization, or any public or private individual that operates, provides or engages in health, or social service programs and activities. It calls for all covered entities to ensure that LEP persons who are eligible for their programs or services to have meaningful access to the health and social service benefits that they provide.

Under the USHHS guidelines, four keys measures are identified as ensuring meaningful access. They are 1) assessing the language needs of the LEP population, 2) developing a comprehensive written policy, 3) providing training to ensure that staff understands and are able to implement LEP policy and 4) monitoring and reassessing the policy to ensure LEP individuals continue to have meaningful access. Although failure to meet one or more of these measures does not necessarily mean noncompliance with Title VI, these measures provide agencies a safe

harbor. The Office of Civil Rights (OCR) in USHHS, the federal office responsible for monitoring compliance, will look into the totality of circumstances to evaluate whether reasonable steps are being taken by an agency to comply in accordance with the Department of Justice guidelines.

In line with these federal guidelines, the Maryland General Assembly passed House Bill 1160 during the 2001 session calling for a study of the LEP population the state. The study was conducted by the University of Maryland's National Foreign Language Center (NFLC). The NFLC report concluded that there was a significant LEP population in Maryland and recommended that the legislature develop its own policy to ensure LEP individuals access to services.

During the 2002 session, the Maryland General Assembly enacted the Equal Access to Public Services for Individuals with Limited English Proficiency (Annotated Code of Maryland, State Government Volume, §10-1101 *et. seq.*) This legislation calls for all state agencies and instrumentalities of the state to take reasonable steps to provide equal access to public services for the LEP population.

The Maryland law requires all agencies to provide oral interpreter services if contact between the agency and the LEP individual is on a weekly or more frequent basis. It also requires translation of vital documents into languages spoken by any LEP population that constitutes 3% of the overall population within the geographic area served by a local office of a state program. "Vital documents" is defined as "all applications, or informational materials, notices, and complaint forms offered by state departments, agencies, and programs."

The legislation designates the Maryland Department of Human Resources as the lead agency to implement LEP policy for the state. It also establishes timelines for training state employees on LEP policy and implementation.

Montgomery County's LEP Population

Montgomery County is the largest and most diverse jurisdiction in Maryland with over 900,000 residents, or about 16.5% of the state's population. It is also one of the most diverse communities in the nation. This diversity is reflected in the racial makeup of county residents. Data from the 2000 Census and subsequent Census estimates show that African Americans and Blacks make up 14.1% of the county population, Asian Pacific Americans 13.0%, Caucasians 67% and Latinos 12.6%.¹

The Census also shows that while 16.5% of Maryland's population lives in Montgomery County, about 41.5% of Marylanders who were born outside of the U.S. calls Montgomery County their home. In the area of language proficiency, of the 837,000 County residents who are 5 years or older, about 21.6% speak a language other than English in the home (this includes those who are monolingual non-English, multilingual non-English, or English plus at least one other language). More significantly, of the population 5 years or older in the County, about 1 in 8 self describe as speaking English "not very well".²

Current Resources for LEP Customers

Diversity Summit

In October 2003, Montgomery County Executive Douglas M. Duncan and Chief Administrative Office Bruce Romer convened a Diversity Summit for department and agency directors. The Summit included a comprehensive review of programs, services and staffing to eliminate or reduce any remaining barriers that County residents may face. A large part of this commitment is the continuation of the executive branch's policy to provide access to the thousands of limited English proficient residents whose command of the English language may prevent them from meaningfully accessing County services.

¹ Percentages do not add up to 100% because members of the Latino/Hispanic community can be of any racial category.

² Please see appendix for charts detailing some of these demographic data. Also in the appendix are two publications by The Brookings Institution's Center on Urban and Metropolitan Policy "The World in a Zip Code: Greater Washington DC as a New Region of Immigration" from April 2001 and "At Home in the Nation's Capital: Immigrant Trends in Metropolitan Washington" from June 2003.

The County's LEP policy is fully synchronized with many of the County's Guiding Principles, including insisting on customer satisfaction, appreciating diversity, being accessible and responsive, and striving for continuous improvement.

As part of the Summit, departments and agencies were surveyed on the efforts already in place to serve LEP customers. The survey results showed many departments and agencies had bilingual staff, senior staff were aware of the linguistic needs of LEP customers, interpreter services were already provided and many commonly used documents were already translated into languages identified by staff as to be in need by LEP customers.

Language Banks

Montgomery County maintains important resources for providing service to LEP customers. First is an employee Language Bank which lists the bilingual and multilingual County employees who receive a pay differential for their language skills. These employees are certified by the Office of Human Resources (OHR) in their language(s) for speech fluency, and fluency in reading and writing. OHR has certified over 370 County employees who have fluency in 25 languages. Spanish is by far the most commonly used language. Cambodian, Chinese, Farsi (Persian), French, Korean and Vietnamese are also reported to be in frequent use. The county's employee Language Bank list is updated regularly, and can be accessed at <http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/files/RLLangB.xls>. The Office of Human Resources and the Offices of the County Executive are updating the policy on the use of bilingual employees so that their language skills are used in the most optimal and efficient manner.

Montgomery County has another language resource, also called the Language Bank, housed in the Volunteer Center in the Offices of the County Executive. The Volunteer Center Language Bank provides interpreters and translators primarily for government agencies and nonprofit organizations. Currently, 79 volunteers with ability in 33 languages are on call to provide language services. Although not certified by the County, these volunteers receive

training and are valuable resources who provide information on County services and referrals to appropriate departments and agencies. Spanish and Chinese are the two most commonly used languages. Information on the Volunteer Center's Language Bank is available by calling (240) 777-2600.

Commercial Language Lines

Departments and agencies also use commercial language service companies to provide instantaneous telephone interpretations 24 hours a day. When a LEP customer reaches an office by telephone, the call can be patched to the service for a three way conversation with an appropriate interpreter. Primarily used by the County's Emergency Communications Center for the Police Department and the Department of Fire and Rescue Services for responses to 911 emergency calls, the most commonly used language is Spanish. A limited number of calls to the interpretation service were provided for onsite visits by LEP customers visiting library branches and service delivery sites for the Department of Health and Human Services. The telephonic interpretation services were also used to a limited extent on field visits by Police and Fire and Rescue when responding to calls.

Communications with Residents

Following are examples of efforts already in place by departments and agencies to provide assistance for LEP customers. The next step is to coordinate these efforts and provide guidelines on how individual departments can further enhance access and break down barriers.

1. The Office of Public Information maintains contracts with commercial marketing firms to translate media advisories and press releases. The firms also place these advisories and releases in media outlets frequently used by ethnic communities.
2. The Offices of the County Executive produces a Spanish language television program Tertulia that is aired on the County's cable television station. Departments also use bilingual employees and community resources to translate documents and provide interpreter services.
3. The County Executive's Office of Community Outreach and the Community Outreach Forum has regular contact with community, faith based and advocacy organizations to

provide linguistically appropriate information about County services, programs and policies.

4. Studies are also underway to determine whether it is technologically possible or fiscally feasible to accurately translate informational portions of the County website into selected languages.
5. Montgomery County opened the Charles W. Gilchrist Center for Cultural Diversity in 2001 in Wheaton. A new branch opened in Germantown in 2004. The Wheaton and Germantown Centers are means to provide activities and services to the County's diverse community, including the large number of LEP residents. The centers are strategically located to provide easy access in geographic areas with large LEP customers that is easily accessible by public transportation. The Centers functions as central points of contact to County and other community services. The staff, many of whom are bilingual and multilingual volunteers, are committed to working closely with government agencies, community organizations and individual residents to ensure high customer service and to meet the needs of the diverse communities they serve.
6. Individual departments and agencies regularly translate vital documents, meeting and event notices, informational brochures, application forms, correspondences and other literature into languages needed by the LEP population.

Limited English Proficiency Implementation Plan

It is the position of Montgomery County's Executive Branch that federal and state LEP guidelines serve as minimal baselines for assisting LEP customers. Montgomery County will go beyond federal and state guidelines to reasonably remove any remaining barrier to services for any identifiable LEP community.

To ensure access to LEP customers, Montgomery County has created four LEP groups that will implement a coordinated policy across all departments and agencies. They are Departmental Representatives, Resource Team, Training Teams, and Stakeholders Committee.

I. Departmental Representatives

Overview of Responsibilities:

- Obtain information on what documents are already translated in individual departments.
- Obtain information on procedure to provide interpreters.
- Obtain information on process that determines which documents are translated and into which languages.
- Help determine whether more information is needed on the number and the nature of contacts by LEP customers in individual departments.
- Establish guidelines that will determine future translations of documents and into which languages. Also determine guidelines on obtaining interpreters for LEP customers.

Departmental Representatives are appointed by department directors who serve as the direct link to LEP policy. They plan a critical role in successful implementation. Representatives obtain and provide information on departmental efforts in place to serve LEP customers. Representatives also develop and recommend the County's comprehensive LEP plan. This comprehensive plan is brought back to directors and senior staff who then will continuously tailor and fine tune strategies to best serve LEP customers seeking services from their departments and agencies.

Representatives will advise individual department directors on the need to obtain additional information on the types of LEP contacts beyond the data prepared for the October 2003 Diversity Summit. If department directors decide that additional information is needed, Representatives will work with senior staff and front line personnel to gather information about the number of contacts made by the LEP population as well as the nature of these contacts (e.g., request for information, complaint or commendation, seeking referral to an appropriate department, applying for County services, etc.). This information will be analyzed to determine the best use of resources to meet the needs of the LEP population in individual departments.

Another responsibility of Departmental Representatives is to identify documents that are translated in each department and the targeted language(s). Representatives will also report on the procedure for selecting documents for translations, how languages are selected for

translations and the procedure for providing interpreters for LEP customers who call or make visits in person.

As the LEP implementation plan proceeds, Representatives will establish basic guidelines for Departments to determine which documents will be translated in the future. Recognizing that the nature of the services and programs in each Department are unique and that the LEP contacts for each Department will vary widely, Departmental Representatives will be responsible for tailoring the County's document translation guidelines to the specific needs of individual Departments.

With these developed translation guidelines, Representatives will consult with their departments' staff to determine the documents to be translated and the target language(s) for each department. As these assessments are made and guidelines developed, Departmental Representatives will meet with less frequency to reassess LEP policy implementation, reassess any major demographic changes in the LEP population and develop any other strategies to further enhance Montgomery County's efforts to serve all residents.

II. Resource Team

Overview of Responsibilities:

- Develop agendas and policy ideas for Departmental Representatives.
- Collect and share information on ideas, strategies and best practices on LEP policy implementation.

In order to expedite the work of the Departmental Representatives, the Resource Team develops agendas and policy ideas for review and approval by Departmental Representatives. The Resource Team actively collects information and develops ideas, strategies and best practices that can improve LEP implementation. Membership in the Resource Team is open to all interested County employees.

The Resource Team meets separately from the Departmental Representatives although membership in the two groups may overlap. As with the Departmental Representatives, the

Resource Team will meet with greater frequency during the initial months of policy implementation and with less frequency as the implementation proceeds.

III. Training Teams

Overview of Responsibilities:

- Work with Departmental Representatives and other entities to develop LEP curriculum to train front line personnel who will have initial direct contact with LEP customers.
- Work with Departmental Representatives to schedule training for individual departments.

County employees who have an interest in training and in LEP policy will be recruited to join Training Teams. Training Team members are provided information on LEP policy by the Departmental Representatives as well as training techniques by the Office of Human Resources and other entities as necessary. Training is scheduled with priority given to those departments providing the most critical service. The Training Team coordinates with the Departmental Representatives to determine the prioritization.

A curriculum is being completed in conjunction with USHHS, Maryland Department of Human Resources and other appropriate organizations. The curriculum includes the historical and legal background of LEP, how to work with LEP customers and some demographic and cultural information on the larger LEP communities in Montgomery County.

The Departmental Representatives updates the Training Teams on new developments in LEP policy. The Training Teams will then adjust the curriculum to provide updated information to County employees. The Training Teams also work with the Office of Human Resources to develop training for incoming employees.

IV. Stakeholders Committee

Overview of Responsibilities:

- Meet with community organizations, families and individuals to help grade the County's efforts to provide services to the LEP community.
- Work with volunteers to pose as LEP "mystery shoppers" to help evaluate service access.

The Stakeholders Committee will be responsible for contacting organizations and individual stakeholders who will be impacted by LEP policy. The Committee will reach as many grassroots organizations, families and individuals as possible to obtain an accurate assessment of the County's efforts on providing access to LEP customers. Groups include appropriate community, faith based and expatriate organizations as well as affected individuals and families, such as:

1. County boards, committees and commissions as appropriate
2. County Executive's advisory committees to the African American, Asian American and Latin American communities
3. County Executive's Committee for Ethnic Affairs
4. Community Outreach Forum
5. Diversity Council
6. Outreach or advisory committees or boards that support any Agency or Department as appropriate
7. Private nonprofit community, faith based and expatriate organizations as appropriate
8. Interested families and individuals who have a stake in LEP policy.

Members of the Stakeholders Committee serve as liaisons to the larger Montgomery County community on the County's LEP efforts, plans and accomplishments. The Committee will establish a uniform set of questions to be used at meetings, focus groups and with individuals to help assess and evaluate how the County is doing in removing barriers to the LEP community. Members of this Committee are trained so that meetings and discussions with community organizations and individuals remain objective so that accurate information about the County's LEP policy efforts can be obtained.

Written questions are translated into selected languages for use with large LEP communities. Members of the Stakeholders Committee will include representatives from various linguistic communities so they can hold discussions, meetings and focus groups to provide assessments in languages other than English. Assessments will be reported to the Departmental Representatives, who will make recommendations to update Montgomery County's LEP implementation plan on a regular basis.

In conjunction with Montgomery County's Office on Human Rights, a group of "mystery shoppers" are being recruited to provide testing of County service providers. Mystery shoppers will be trained to play the role of LEP customers and are given a prepared script to objectively and uniformly seek information and services from the County. They will both place telephone calls and make site visits as would any LEP customer. A uniform reporting mechanism will be developed so the results will be as consistent and objective as possible.

These results will be analyzed to identify any improvements that County service providers can make to serve LEP customers or if any gaps in service exist. The analysis of these results will also help determine the most efficient best use of County resources to serve all residents in Montgomery County.

More Information

More information on LEP implementation can be found in the appendix, or can be obtained by calling the County Executive's Office of Community Outreach at (240) 777-2500.



Limited English Proficiency Schematic of Implementation Plan

LEP
Team

Other
entities

1. Resource Team supports Dept. Reps. Helps to set agendas, collect information. Reps are appointed by Dept. Directors.
2. Reps provide info for stakeholder to present to community groups.
3. Reps provide info for trainers to set training modules and materials.
4. Stakeholders brief community, seek input. Also "mystery shoppers".

Resource Team:
Supports Reps

Dept.
Reps

Dept. Directors
& Senior Staff

5. Reps work with their dept. to gather info on translations/ interpreters. Work to implement coordinated strategy.

6. Teams provide training to front line staff.

7. Senior staff provide support to front line personnel, answer questions, monitors.

8. Front line staff provides service to LEP customers **CRITICAL**

9. CBOs provide info on services to LEP individuals, who provide feedback about effectiveness of County's LEP efforts.

10. Training for new employees -- OHR.

Training
Teams

Front Line
Staff

Montgomery County, Maryland
Offices of the County Executive
Office of Community Outreach

Stakeholders
Committee

CBO, faith community
grassroots, boards &
commissions

OHR

LEP
Customers

MONTGOMERY COUNTY
OFFICE OF HUMAN RESOURCES
MULTILINGUAL CERTIFICATION FORM (FOP)

The purpose of this document is to identify positions which require multilingual skills. All employees identified by the department as utilizing multilingual skills during the performance of their duties should complete this form.

Completed forms must be reviewed and signed by the employee, his/her supervisor, District/Unit Commander and the Assistant Chief of Police. Please note that this information will not be used to evaluate either work performance or qualifications, however, it is important that the information submitted is complete and accurate.

Position/Employee Identification (Please type or print)

Department	Division	Section
Class Title	Grade	Position No.
Employee's Name	Social Security No.	Work/Home Telephone No.
Language (s)	Home Address	

Proficiency Level: (check one)

_____ Basic (oral communication, reading comprehension, and translation)

_____ Advanced (oral and written communication)

I certify that the above information is complete and accurate to the best of my knowledge:

Employee's signature _____ Date _____

Print _____

I certify that the above information is complete and accurate to the best of my knowledge:

Supervisor's signature _____ Date _____

Print _____

District/Unit Commander's signature _____ Date _____

Print _____ Date _____

If this form is being submitted to change Proficiency level, the supervisor must provide an explanation.

Reason for change: _____

I certify that the above information is complete and accurate to the best of my knowledge.

Asst. Chief of Police's Signature: _____ Date: _____

Print _____

Completed forms should be returned to the Office of Human Resources, Executive Office Building, 7th Floor. (240) 777-5000.
You will be notified of your test date and time as soon as a test is scheduled.

MONTGOMERY COUNTY
OFFICE OF HUMAN RESOURCES
MULTILINGUAL CERTIFICATION FORM

The purpose of this document is to identify positions which require multilingual skills. All employees identified by the department as utilizing multilingual skills during the performance of their duties should complete this form. Completed forms must be reviewed and signed by the employee, his/her supervisor, and the Department Director. Please note that this information will not be used to evaluate either work performance or qualifications; however, it is important that the information submitted is complete and accurate.

Position/Employee Identification (Please type or print)

Department	Division	Section
Class Title	Grade	Position No.
Employee's Name	Social Security No.	Work/Home Telephone No.
Language (s)	Home Address	

Proficiency Level: (check one)

☐ Basic (oral communication, reading comprehension, and translation)
☐ Advanced (oral and written communication)

I certify that the above information is complete and accurate to the best of my knowledge:

Employee's signature _____ Date _____
Print _____

I certify that the above information is complete and accurate to the best of my knowledge:

Supervisor's signature _____ Date _____
Print _____

If this form is being submitted to change Proficiency level, the supervisor must provide an explanation.

Reason for change: _____

JUSTIFICATION OF LANGUAGE NEED: _____

I certify that the above information is complete and accurate to the best of my knowledge.

Department Head: _____ Date: _____
Print _____

Completed forms should be returned to the Office of Human Resources, Executive Office Building, 7th Floor. (240) 777-5000.
You will be notified of your test date and time as soon as a test is scheduled.

MONTGOMERY COUNTY
OFFICE OF HUMAN RESOURCES
MULTILINGUAL CERTIFICATION FORM (IAFF)

The purpose of this document is to identify positions which require multilingual skills. All employees identified by the department as utilizing multilingual skills during the performance of their duties should complete this form. Completed forms must be reviewed and signed by the employee, his/her supervisor, District Chief and the Bureau Chief of Program Support Services. Please note that this information will not be used to evaluate either work performance or qualifications, however, it is important that the information submitted is complete and accurate.

Position/Employee Identification (Please type or print)

<hr/> Department	<hr/> Bureau	<hr/> Section/Station
<hr/> Class Title/Rank	<hr/> Grade	<hr/> Pos. No./ID No. (DFRS)
<hr/> Employee's Name	<hr/> Social Security No.	<hr/> Work/Home Telephone No.
<hr/> Language (s)	<hr/> Home Address	

Proficiency Level: (check)

_____ Basic (oral communication, reading comprehension, and translation)

I certify that the above information is complete and accurate to the best of my knowledge:

Employee's signature _____ Date _____

Print Name _____

I certify that the above information is complete and accurate to the best of my knowledge:

Supervisor's signature _____ Date _____

Print Name _____

District Chief's signature _____ Date _____

Print Name _____ Date _____

Bureau Chief, Program Support Services' Signature: _____ Date _____

Print Name _____

I certify that the above information is complete and accurate to the best of my knowledge.

Completed forms should be returned to the Office of Human Resources, Executive Office Building, 7th Floor. (240)777-5000. You will be notified of your test date and time as soon as a test is scheduled.

Exec Reg



Appendix E

MD
CE
SBF
LL
MAP

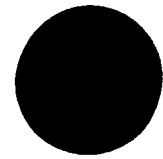
OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

010397

Douglas M. Duncan
County Executive

MEMORANDUM

July 20, 2004



RECEIVED
MONTGOMERY COUNTY
COUNCIL
2004 JUL 20 PM 1:14

TO: Steven A. Silverman, President
Montgomery County Council

FROM: Douglas M. Duncan, County Executive (method 1)

SUBJECT: Executive Regulation No. 9-04, *Amendments to the Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion*

I am submitting for the Council's review and approval Executive Regulation No. 9-04, the primary purpose of which is to incorporate in Section 10, *Compensation*, of the Personnel Regulations information about the multilingual pay program. The proposed amendments include definitions, eligibility requirements for multilingual pay, the process to be used to designate positions as requiring multilingual skills, the process used by OHR to certify that an employee possesses multilingual skills, and a requirement that the supervisor of an employee who receives multilingual pay must include the use of multilingual skills as an element of the employee's performance plan.

The multilingual pay program came from an interdepartmental task force on multilingual initiatives established by the County Executive in 1985 to improve the way services were provided to minorities with limited English language abilities. In 1986, department and office directors were asked to identify positions that require some level of proficiency in a language other than English and the names of employees who were interested in participating in an interpreter pool. However, multilingual pay was introduced to the County workforce via the first MCGEO Agreement (1987-1990). It was extended to unrepresented employees at the same time. It provided for four levels of multilingual pay. Compensation was based on two factors, the level of expertise, basic or advanced, and the amount of time spent using the multilingual skills, occasional or permanent. An employee with basic skills who used the multilingual skills on a permanent (frequent and recurring) basis was given an extra \$0.50 for every hour worked, while an employee with basic skills who used the skills occasionally would receive the extra \$0.50 only for the actual hours spent using the skill. An employee with advanced skills received \$0.70 either for every hour worked (permanent) or for the work hours spent using the skill (occasional).



Over the years the amount of compensation has increased to an extra \$1.00 per hour for basic skills and \$1.30 per hour for advanced skills. In July 2003, the "occasional" designation was eliminated through collective bargaining, which resulted in employees with multilingual certifications receiving the differential for every hour worked. Article 17.3 of the current labor agreement with IAFF Local 1664 provides that any firefighter who passes a proficiency examination in one of the languages identified by the County will receive a multilingual pay differential of \$1.00 per hour.

The proposed amendments also include two new elements of the program. Section 10-9(c)(4), entitled *Countywide Interpreter List*, requires the OHR Director to maintain a list of employees who have been certified as having multilingual skills and to make the list available to all departments on the County internet website. This is an effort to ensure that the multilingual resources in one department or office are made available to other departments to enable them to better serve individuals with limited English language proficiency. The other enhancement to the program is reflected by the proposed amendment to Section 10-9(c)(2), which allows a department director to identify a general need for a multilingual skill in the department that is not linked to a particular position or occupational class. For example, the Director of the Department of Correction and Rehabilitation could identify a general need for multilingual skills in Farsi, based on the fact that, periodically, the Department houses inmates who speak Farsi, with whom staff have difficulty communicating. Any employee, such as a cook, clerk, or nurse, who spoke Farsi and was certified in Farsi, could be called upon to help communicate with inmates who spoke the language.

This regulation includes the following amendments to other sections of the Personnel Regulations to deal with issues that have arisen since the Regulations were reissued:

- how a service increment date is established for an employee who leaves an MLS position, for which there is no service increment date, to a non-MLS position, for which there must be a service increment date;
- a clarification of what constitutes the initial employment date for the purpose of annual leave accrual and the maximum annual leave carryover limit;
- what happens to the PTO (paid time off) credited to an MLS employee (MLS employees in the Retirement Savings Plan receive PTO rather than annual and sick leave) if the employee leaves the MLS position and goes to a non-MLS position in which the employee accrues annual and sick leave;
- a technical change to Section 21, *Administrative Leave*, to correct a citation; and
- a word change in Section 21, *Promotion*, to make it clear that not every promotion must be open to both inside and outside candidates.

This regulation was advertised in the May issue of the *Montgomery County Register* but we received no comments. I have also attached a fiscal impact statement.

DMD:cmr

Attachments

MEMORANDUM

July 9, 2004

TO: Beverley K. Swaim-Staley, Director
Office of Management and Budget

VIA: Alex Espinosa, Management and Budget Manager *AE*

FROM: Phil Weeda, Management and Budget Specialist *PW*

SUBJECT: Executive Regulation 9-04, Amendments to Montgomery
County Personnel Regulations on Multilingual Pay, Service
Increment Dates, Annual and Sick Leave, and Promotion

REGULATION SUMMARY

The regulation amends:

- (1) Section 10, Employee Compensation, of the Montgomery County Personnel Regulations (MCPR) to incorporate the requirements for multilingual skills and multilingual pay differential;
- (2) Section 12 of the MCPR to establish service increment dates for employees who leave MLS positions;
- (3) Section 16 of the MCPR to clarify the initial employment date for annual leave accrual;
- (4) Sections 16 and 17 of the MCPR to clarify that employees who leave MLS positions retain accrued paid time off (PTO) and earn annual and sick leave; and
- (5) Section 27 to clarify the policy on promotion.

FISCAL SUMMARY

The proposed amendments to the multilingual pay program may have a fiscal impact on the County. While the changes do not affect the level of compensation or the requirement for certification, they may increase the number of employees receiving the differential. In particular, the change allowing a department director to identify a general need for a multilingual skill in the department that is not linked to a particular position or occupational class could increase the number of employees ultimately certified with multilingual skills. The fiscal impact would depend on how often this new form of designation is used by departments; therefore, it is not possible to reasonably estimate a fiscal impact at this time.

The other proposed revisions to the Personnel Regulations are technical in nature and will not have a fiscal impact on the County.

Page 2

Carol Rollins of the Office of Human Resources contributed to and concurred with this analysis.

BSS:pw

Issuing Department Human Resources

Contact Person Carol Rollins

Executive Regulation No. 9-04

FISCAL IMPACT STATEMENT

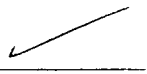
**Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service
Increment Dates, Annual and Sick Leave, and Promotion**
Title of Regulation

FISCAL SUMMARY: Presentation of the incremental increase or decrease in expenditures and revenues for the current and next fiscal years.

	<u>Current Fiscal Year FY 04</u>	<u>Next Fiscal Year FY 05</u>
1. Revenues:	<i>N/A</i>	<i>N/A</i>
2. Personnel Costs:	<i>N/A</i>	<i>N/A</i>
Salaries and Wages:		
Fringe Benefits:		
Total Personnel Costs:		
3. Operating Expenses:	<i>N/A</i>	<i>N/A</i>
List Items:		
Total Operating Expenses:		
Capital Outlay:		
Total Expenses (2 + 3):	<i>N/A</i>	<i>N/A</i>
4. Positions Affected:	<i>N/A</i>	<i>N/A</i>
Positions:		
Full-time:		
Part-Time:		
Workyears:		
Full-time:		
Part-Time:		
5. Assumptions and Explanations:	See attached memo.	
6. Economic Effect		
on Private Sector:	<i>N/A</i>	

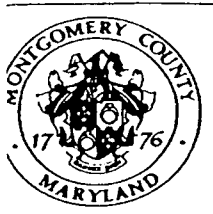
If additional space is needed, please attach.

OMB REVIEW

 Fiscal Impact Statement approved


OMB Director

_____ Fiscal Impact Statement not approved, OMB will contact department to remedy.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject	Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number	9-04
Originating Department	Office of Human Resources	Effective Date	

Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion

Executive Regulation No. 9-04, COMCOR 17.9.04

Issued by: County Executive

Supersedes: None

Authority: Montgomery County Code, 1994, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 21, Issue 5

Comment deadline: June 1, 2004

Effective date: _____

Summary: This regulation amends MCPR Section 10, *Employee Compensation*, to incorporate information about multilingual pay differentials; Section 12 to establish service increment dates for employees who leave MLS positions; Section 16 to clarify the initial employment date for annual leave accrual; Sections 16 and 17 to clarify that employees who leave MLS positions retain accrued PTO and earn annual and sick leave; and Section 27 to clarify the policy on promotion.

Address for comments Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Carol Rollins, 240-777-5052, or carol.rollins@montgomerycountymd.gov

Please use the key below when reading this regulation:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing regulation by proposed regulation.</i>
[Single boldface brackets]	<i>Deleted from existing regulation by proposed regulation.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing or proposed regulation by amendment.</i>
* * *	<i>Existing language unchanged by executive regulation.</i>



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject
Amendments to Montgomery County Personnel Regulations on Multilingual
Pay, Service Increment Dates, Annual and Sick Leave, and Promotion

Number

9-04

Originating Department

Office of Human Resources

Effective Date

SECTION 10. EMPLOYEE COMPENSATION

10-1. Definitions.

(a) **Advanced multilingual skills:** A certification by the OHR Director that the employee has an acceptable level of verbal and written communication skills in a specified language other than English.

(b) **Basic multilingual skills:** A certification by the OHR Director that the employee has an acceptable level of American Sign Language or verbal communication skills in a specified language other than English.

[(a)]

(c) **Control point:** * * *

[(b)]

(d) **Excess compensatory time:** * * *

[(c)]

(e) **General emergency pay:** * * *

[(d)]

(f) **General wage adjustment:** * * *

(g) **Multilingual pay differential:** Additional compensation given by the County to a County government employee who:

- (1) has been designated to fill a general department need for specific language skills or occupies a position that has been designated to provide multilingual services;
- (2) is certified by OHR as having basic or advanced multilingual skills; and
- (3) provides multilingual services in the course of the employee's County government employment.



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[(e)]

[(h)] *On-call:* * * *

[(f)]

[(i)] *Overtime compensation threshold:* * * *

[(g)]

[(j)] *Overtime work:* * * *

[(h)]

[(k)] *Pay status:* * * * * *

[(i)]

[(l)] *Performance-based pay:* * * *

[(j)]

[(m)] *Shift-pay differential:* * * *

[(k)]

[(n)] *Special pay differential:* * * *

[(l)]

[(o)] *Stand-by pay:* * * *

[(m)]

[(p)] *Stand-by status:* * * *

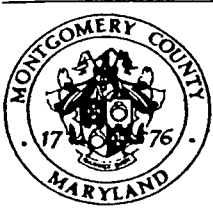
[(n)]

[(q)] *Work status:* * * *

* * *

10-9. Pay differentials. The CAO may authorize a pay differential if the County Council approves the differential.

* * *



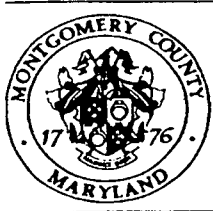
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(c) **Multilingual pay differentials.**

- (1) **Eligibility for multilingual pay.** To be eligible to receive a multilingual pay differential, an employee must be fluent in English and:
- (A) be certified by OHR as having basic or advanced multilingual skills;
 - (B) be assigned to a position designated for a multilingual pay differential or be an employee designated to fill a general department need for specific language skills; and
 - (C) actually provide or be available to provide multilingual services in the course of the employee's County government employment.
- (2) **Designation of a position, occupational class, or occupational series as requiring multilingual skills; identification of a general need for multilingual skills.**
- (A) With the approval of the OHR and OMB Directors, a department director may:
 - (i) designate a position, occupational class, or occupational series as requiring the ability to communicate in American Sign Language, a language other than English, or several languages other than English; or
 - (ii) identify a specific language skill (e.g., Spanish, Farsi) that is generally needed within a department, division, or work unit but which language skill is not otherwise related to the duties of a particular position, occupational class, or occupational series.



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(B) The department director must provide the following information to the OHR and OMB Directors in writing:

- (i) the specific language skill needed;
- (ii) the client population or program that would benefit from an employee's ability to communicate in the language identified;
- (iii) whether basic or advanced multilingual skills are needed;
- (iv) how often the identified language skill is needed; and
- (vi) how many employees with the language skill are needed to meet the needs of the department, division, or work unit.

(C) A department director may, with the approval of the OHR and OMB Directors, change the language previously identified to a different language or change the level of proficiency needed. The department director must provide the OHR Director and OMB Director with a written justification for the change.

(D) The OHR and OMB Directors must take the following into consideration when reviewing a request for a multilingual designation of a position, occupational class, or occupational series or the identification of a specific language skill generally needed within a department, division, or work unit:

- (i) the department's reason for the request; and
- (ii) the total number of employees in the department and the County government who have the language skill identified by the department; and



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- (iii) whether the department's need could be met by other employees in the department or County government who are already certified to provide the required language skill.
- (E) When recruiting to fill a vacant position by initial appointment or promotion, a department director may include a specific language skill as a qualification or a preferred qualification if the OHR and OMB Directors have approved the department director's request for a multilingual designation of the position or the occupational class or occupational series that includes the position.
- (F) A department director must review the multilingual designation of a position after a certified multilingual employee leaves the position through promotion, transfer, or separation.
- (G) A department director should review the multilingual designation of an occupational class or occupational series or the identification of a specific language skill generally needed within a department, division, or work unit after:
 - (ii) a program change or reorganization that affects the need for multilingual skills; or
 - (iii) a change in client characteristics that indicates that the identified language skill may no longer be needed.
- (3) **OHR certification of multilingual employees.**
 - (A) To have an employee's language skills certified, a department director must submit the following to OHR:
 - (i) the OHR and OMB approval of the designation of the position, occupational class, or occupational series as



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- requiring multilingual skills or approval of the
identification of a specific language skill generally needed
within a department, division, or work unit; and
- (ii) a completed language certification form.
- (B) The department director must provide the following information on
the language certification form:
- (i) the language skill needed;
(ii) the level of proficiency needed (basic or advanced); and
(iii) the name of the employee whose language skills need to be
certified.
- (C) After receiving the OHR and OMB approvals and a completed
language certification form from a department, the OHR Director
must:
- (i) schedule the employee for a language test;
(ii) conduct the examination;
(iii) notify the employee and department of the examination
results and the effective date of the certification if the
employee passed the language examination; and
(iv) add the name of the newly-certified employee to the
Countywide Interpreter List, unless the department director
has requested that the employee's name not be included on
the List and the OHR Director has approved the request.
- (D) If the employee fails the examination, the employee may submit a
request to be retested within 6 months of the date of the initial
examination. If the employee has not passed the examination



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within 6 months of the initial examination, the department must submit a new language certification form for the employee to be tested again.

(4) **Countywide Interpreter List.**

(A) The OHR Director must maintain a list of County employees who have been certified as having multilingual skills and make the list available to all County departments on the County internet website. The list must include the following information;

- (i) employee's name and department;
- (ii) employee's work phone number and e-mail address;
- (iii) language in which employee is certified; and
- (iv) level of proficiency.

(B) The OHR Director may approve a request from a department director that a certified employee's name not be included on the Countywide Interpreter List if the demand for the employee's certified multilingual skills within the department and the nature of the employee's job duties would make the employee unavailable for interpreter assignments in other departments.

(C) A department director must advise the OHR Director promptly when:

- (i) a certified employee leaves County employment or the designated position; or
- (ii) a certified employee will be unavailable for interpreter assignments for an extended period of time for any reason.



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- (D) An employee whose name is on the Countywide Interpreter List must:
- (i) make a reasonable effort to provide interpreter services at the request of other departments; and
 - (ii) must obtain the approval of the employee's supervisor before accepting assignments from other departments.
- (E) A department manager who requests the services of an employee on the List from another department must:
- (i) give reasonable notice to the certified employee of the need for interpreter services;
 - (ii) not subject the employee to hazardous conditions or place the employee in potentially dangerous situations; and
 - (iii) if required, provide the employee with transportation to the location where the interpreter services are needed or reimburse the employee for travel and other appropriate expenses.

(5) **Payment and amount of multilingual pay differentials.**

- (A) The County must pay a higher multilingual pay differential to an employee who is certified at the advanced level than an employee certified at the basic level.
- (B) The amount of multilingual pay differentials for unrepresented employees is determined by the CAO and approved by the Council. The amount of the differentials for bargaining unit employees is determined through collective bargaining and is subject to Council approval.

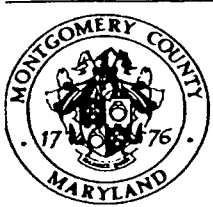


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- (C) The County must pay the multilingual pay differential to a certified employee only for the hours worked and not for hours of paid leave or holidays.
- (D) The County must not pay more than one multilingual pay differential to an employee even if the employee is certified in more than one language.
- (E) The County must not pay a multilingual pay differential to an employee who leaves the position designated for the differential, unless the employee is transferred or reassigned to another position for which the same multilingual skills are approved.
- (F) If a department uses an employee on the Countywide Interpreter List from another department to provide interpreter services for 4 or more hours in a pay period, the department director of the using department must reimburse the employing department for the hourly salary of the employee for the hours that the employee spent providing services to or for the using department.
- (6) **Performance evaluation of employee receiving multilingual pay.** The supervisor of an employee who receives multilingual pay must:
 - (A) include the use of multilingual skills as an element of the employee's performance plan; and
 - (B) rate the employee's performance in using the multilingual skills.



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(7) **Stopping a multilingual pay differential.**

- (A) A department director must ensure that the County stops paying the multilingual differential to a certified employee who:
- (i) transfers to, or assumes, a position for which the multilingual skills are not approved;
 - (ii) was certified to provide multilingual services that are no longer needed;
 - (iii) is no longer needed by a department to fill the role of providing a specific language skill generally needed in the department;
 - (iv) is no longer able to provide the multilingual services;
 - (v) no longer wishes to provide the multilingual services; or
 - (vi) refuses or fails to provide requested multilingual services in a satisfactory manner.
- (B) The department director must notify the certified employee and the OHR and OMB Directors of a decision to stop paying a multilingual differential to a certified employee and the reasons for stopping the differential.

(8) **Appeal of decisions on multilingual pay.** The following decisions on multilingual pay are not grievable matters:

- (A) eligibility of languages or positions for multilingual designation;
- (B) the content of language proficiency examinations;
- (C) the certification or non-certification of an employee's eligibility for multilingual pay; and



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(D) stopping the payment of a multilingual pay differential under subsection (7) above.

[(c)]

(d) *Disposition of pay differentials.* * * *

SECTION 12. SERVICE INCREMENTS

* * *

12-6. Reassignment of increment date.

* * *

(g) The OHR Director must assign a new service increment date to an employee in an MLS position who is promoted, demoted, or reassigned to a non-MLS position.

(1) If the employee was in a non-MLS position in the County and had a service increment date before taking the MLS position, the OHR Director must assign as the new service increment date the last service increment date that the employee had before becoming an MLS employee.

(2) If the employee was not in a non-MLS position before taking the MLS position, the OHR Director must assign as the new service increment date the date on which the employee was first employed by the County in a merit system position.

* * *

SECTION 16. ANNUAL LEAVE

* * *

16-4. Change in annual leave accrual rate.

(a) An annual leave accrual rate change is effective on the first day of the pay period in which the employee completes 3 years or 15 years of County service, except



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when the employee has used more than 4 consecutive weeks of LWOP as described in Section 23-8(a)(2).

- (b) The initial employment date for the purpose of annual leave accrual and the maximum annual leave carryover limit is the date on which the employee was first employed in a merit system career position.

* * *

16-12. Paid time off (PTO) and annual leave. PTO is a type of leave granted to MLS employees who are members of the Retirement Savings Plan.

* * *

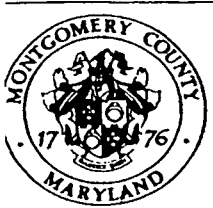
- (d) ***Conversion of annual leave to PTO for certain MLS employees.***

* * *

- (3) If an MLS employee who receives PTO leaves the MLS position and is promoted, demoted, or reassigned to a non-MLS merit system position, the CAO must:

- (A) allow the employee to retain and use the unused PTO hours that the employee had accumulated before the current leave year and a prorated share of the unused PTO hours for the current leave year;
- and
- (B) allow the employee to earn annual leave from the effective date of the employee's promotion, demotion, or reassignment to a non-MLS position.

* * *



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SECTION 17. SICK LEAVE

* * *

17-16. Paid time off (PTO) and sick leave. PTO is a type of leave granted to MLS employees who are members of the Retirement Savings Plan.

* * *

(c) ***Conversion of sick leave to PTO for certain MLS employees.***

* * *

(3) If an MLS employee who receives PTO leaves the MLS position and is promoted, demoted, or reassigned to a non-MLS merit system position, the CAO must:

(A) allow the employee to retain and use the unused PTO hours that the employee had accumulated before the current leave year and a prorated share of the unused PTO hours for the current leave year;
and

(B) allow the employee to earn sick leave from the effective date of the employee's promotion, demotion, or reassignment to a non-MLS position.

* * *

SECTION 21. ADMINISTRATIVE LEAVE

21-1. Authorized uses of administrative leave. The CAO may grant administrative leave to an employee:

* * *

(g) for bereavement, under Section [21-3] 21-2 of these Regulations;

* * *



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subject Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number 9-04
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SECTION 27. PROMOTION

* * *

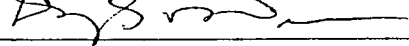
27-1. Policy on promotion.

* * *

- (b) The County's promotional program must provide:

* * *

- (2) full and [open] fair consideration of all eligible employees for higher level positions.

Approved: 
Douglas M. Duncan, County Executive

7/16/04
Date

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF THE COUNTY ATTORNEY

BY David Stevenson

DATE April 27, 2004



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subject Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number 9-04
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Montgomery County Register Volume 21, Issue 5

Comment deadline: June 1, 2004

Effective date: _____

Summary: This regulation amends MCPR Section 10, *Employee Compensation*, to incorporate information about multilingual pay differentials; Section 12 to establish service increment dates for employees who leave MLS positions; Section 16 to clarify the initial employment date for annual leave accrual; Sections 16 and 17 to clarify that employees who leave MLS positions retain accrued PTO and earn annual and sick leave; and Section 27 to clarify the policy on promotion.

Address for comments Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Carol Rollins, 240-777-5052, or carol.rollins@montgomerycountymd.gov

This is a clean copy of the regulation that shows how it will appear after the amendments are incorporated. Use the key below when reading this regulation:

Boldface

* * *

Heading or defined term.

Existing language unchanged by executive regulation.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number 9-04
Originating Department Office of Human Resources	Effective Date

SECTION 10. EMPLOYEE COMPENSATION

10-1. Definitions.

- (a) **Advanced multilingual skills:** A certification by the OHR Director that the employee has an acceptable level of verbal and written communication skills in a specified language other than English.
- (b) **Basic multilingual skills:** A certification by the OHR Director that the employee has an acceptable level of American Sign Language or verbal communication skills in a specified language other than English.
- (c) **Control point:** * * *
- (d) **Excess compensatory time:** * * *
- (e) **General emergency pay:** * * *
- (f) **General wage adjustment:** * * *
- (g) **Multilingual pay differential:** Additional compensation given by the County to a County government employee who:
 - (1) has been designated to fill a general department need for specific language skills or occupies a position that has been designated to provide multilingual services;
 - (2) is certified by OHR as having basic or advanced multilingual skills; and
 - (3) provides multilingual services in the course of the employee's County government employment.
- (h) **On-call:** * * *
- (i) **Overtime compensation threshold:** * * *
- (j) **Overtime work:** * * *
- (k) **Pay status:** * * *
- (l) **Performance-based pay:** * * *



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Subject Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number 9-04
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- (m) **Shift-pay differential:** * * *
 - (n) **Special pay differential:** * * *
 - (o) **Stand-by pay:** * * *
 - (p) **Stand-by status:** * * *
 - (q) **Work status:** * * *
- * * *

10-9. Pay differentials. The CAO may authorize a pay differential if the County Council approves the differential.

* * *

(c) **Multilingual pay differentials.**

- (1) **Eligibility for multilingual pay.** To be eligible to receive a multilingual pay differential, an employee must be fluent in English and:
 - (A) be certified by OHR as having basic or advanced multilingual skills;
 - (B) be assigned to a position designated for a multilingual pay differential or be an employee designated to fill a general department need for specific language skills; and
 - (C) actually provide or be available to provide multilingual services in the course of the employee's County government employment.
- (2) **Designation of a position, occupational class, or occupational series as requiring multilingual skills; identification of a general need for multilingual skills.**
 - (A) With the approval of the OHR and OMB Directors, a department director may:



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- (i) designate a position, occupational class, or occupational series as requiring the ability to communicate in American Sign Language, a language other than English, or several languages other than English; or
 - (ii) identify a specific language skill (e.g., Spanish, Farsi) that is generally needed within a department, division, or work unit but which language skill is not otherwise related to the duties of a particular position, occupational class, or occupational series.
- (B) The department director must provide the following information to the OHR and OMB Directors in writing:
- (i) the specific language skill needed;
 - (ii) the client population or program that would benefit from an employee's ability to communicate in the language identified;
 - (iii) whether basic or advanced multilingual skills are needed;
 - (iv) how often the identified language skill is needed; and
 - (vi) how many employees with the language skill are needed to meet the needs of the department, division, or work unit.
- (C) A department director may, with the approval of the OHR and OMB Directors, change the language previously identified to a different language or change the level of proficiency needed. The department director must provide the OHR Director and OMB Director with a written justification for the change.



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- (D) The OHR and OMB Directors must take the following into consideration when reviewing a request for a multilingual designation of a position, occupational class, or occupational series or the identification of a specific language skill generally needed within a department, division, or work unit:
- (i) the department's reason for the request; and
 - (ii) the total number of employees in the department and the County government who have the language skill identified by the department; and
 - (iii) whether the department's need could be met by other employees in the department or County government who are already certified to provide the required language skill.
- (E) When recruiting to fill a vacant position by initial appointment or promotion, a department director may include a specific language skill as a qualification or a preferred qualification if the OHR and OMB Directors have approved the department director's request for a multilingual designation of the position or the occupational class or occupational series that includes the position.
- (F) A department director must review the multilingual designation of a position after a certified multilingual employee leaves the position through promotion, transfer, or separation.
- (G) A department director should review the multilingual designation of an occupational class or occupational series or the identification of a specific language skill generally needed within a department, division, or work unit after:



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- (ii) a program change or reorganization that affects the need for multilingual skills; or
 - (iii) a change in client characteristics that indicates that the identified language skill may no longer be needed.
- (3) ***OHR certification of multilingual employees.***
 - (A) To have an employee's language skills certified, a department director must submit the following to OHR:
 - (i) the OHR and OMB approval of the designation of the position, occupational class, or occupational series as requiring multilingual skills or approval of the identification of a specific language skill generally needed within a department, division, or work unit; and
 - (ii) a completed language certification form.
 - (B) The department director must provide the following information on the language certification form:
 - (i) the language skill needed;
 - (ii) the level of proficiency needed (basic or advanced); and
 - (iii) the name of the employee whose language skills need to be certified.
 - (C) After receiving the OHR and OMB approvals and a completed language certification form from a department, the OHR Director must:
 - (i) schedule the employee for a language test;
 - (ii) conduct the examination;



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- (iii) notify the employee and department of the examination results and the effective date of the certification if the employee passed the language examination; and
 - (iv) add the name of the newly-certified employee to the Countywide Interpreter List, unless the department director has requested that the employee's name not be included on the List and the OHR Director has approved the request.
 - (D) If the employee fails the examination, the employee may submit a request to be retested within 6 months of the date of the initial examination. If the employee has not passed the examination within 6 months of the initial examination, the department must submit a new language certification form for the employee to be tested again.
- (4) ***Countywide Interpreter List.***
 - (A) The OHR Director must maintain a list of County employees who have been certified as having multilingual skills and make the list available to all County departments on the County internet website. The list must include the following information;
 - (i) employee's name and department;
 - (ii) employee's work phone number and e-mail address;
 - (iii) language in which employee is certified; and
 - (iv) level of proficiency.
 - (B) The OHR Director may approve a request from a department director that a certified employee's name not be included on the Countywide Interpreter List if the demand for the employee's



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certified multilingual skills within the department and the nature of the employee's job duties would make the employee unavailable for interpreter assignments in other departments.

- (C) A department director must advise the OHR Director promptly when:
 - (i) a certified employee leaves County employment or the designated position; or
 - (ii) a certified employee will be unavailable for interpreter assignments for an extended period of time for any reason.
- (D) An employee whose name is on the Countywide Interpreter List must:
 - (i) make a reasonable effort to provide interpreter services at the request of other departments; and
 - (ii) must obtain the approval of the employee's supervisor before accepting assignments from other departments.
- (E) A department manager who requests the services of an employee on the List from another department must:
 - (i) give reasonable notice to the certified employee of the need for interpreter services;
 - (ii) not subject the employee to hazardous conditions or place the employee in potentially dangerous situations; and
 - (iii) if required, provide the employee with transportation to the location where the interpreter services are needed or reimburse the employee for travel and other appropriate expenses.



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- (5) ***Payment and amount of multilingual pay differentials.***
- (A) The County must pay a higher multilingual pay differential to an employee who is certified at the advanced level than an employee certified at the basic level.
 - (B) The amount of multilingual pay differentials for unrepresented employees is determined by the CAO and approved by the Council. The amount of the differentials for bargaining unit employees is determined through collective bargaining and is subject to Council approval.
 - (C) The County must pay the multilingual pay differential to a certified employee only for the hours worked and not for hours of paid leave or holidays.
 - (D) The County must not pay more than one multilingual pay differential to an employee even if the employee is certified in more than one language.
 - (E) The County must not pay a multilingual pay differential to an employee who leaves the position designated for the differential, unless the employee is transferred or reassigned to another position for which the same multilingual skills are approved.
 - (F) If a department uses an employee on the Countywide Interpreter List from another department to provide interpreter services for 4 or more hours in a pay period, the department director of the using department must reimburse the employing department for the hourly salary of the employee for the hours that the employee spent providing services to or for the using department.



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- (6) ***Performance evaluation of employee receiving multilingual pay.*** The supervisor of an employee who receives multilingual pay must:
- (A) include the use of multilingual skills as an element of the employee's performance plan; and
 - (B) rate the employee's performance in using the multilingual skills.
- (7) ***Stopping a multilingual pay differential.***
- (A) A department director must ensure that the County stops paying the multilingual differential to a certified employee who:
 - (i) transfers to, or assumes, a position for which the multilingual skills are not approved;
 - (ii) was certified to provide multilingual services that are no longer needed;
 - (iii) is no longer needed by a department to fill the role of providing a specific language skill generally needed in the department;
 - (iv) is no longer able to provide the multilingual services;
 - (v) no longer wishes to provide the multilingual services; or
 - (vi) refuses or fails to provide requested multilingual services in a satisfactory manner.
 - (B) The department director must notify the certified employee and the OHR and OMB Directors of a decision to stop paying a multilingual differential to a certified employee and the reasons for stopping the differential.
- (8) ***Appeal of decisions on multilingual pay.*** The following decisions on multilingual pay are not grievable matters:



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- (A) eligibility of languages or positions for multilingual designation;
- (B) the content of language proficiency examinations;
- (C) the certification or non-certification of an employee's eligibility for multilingual pay; and
- (D) stopping the payment of a multilingual pay differential under subsection (7) above.

(d) **Disposition of pay differentials.** * * *

* * *

SECTION 12. SERVICE INCREMENTS

* * *

12-6. Reassignment of increment date.

* * *

- (g) The OHR Director must assign a new service increment date to an employee in an MLS position who is promoted, demoted, or reassigned to a non-MLS position.
 - (1) If the employee was in a non-MLS position in the County and had a service increment date before taking the MLS position, the OHR Director must assign as the new service increment date the last service increment date that the employee had before becoming an MLS employee.
 - (2) If the employee was not in a non-MLS position before taking the MLS position, the OHR Director must assign as the new service increment date the date on which the employee was first employed by the County in a merit system position.

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

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subject Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion	Number 9-04
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SECTION 16. ANNUAL LEAVE

* * *

16-4. Change in annual leave accrual rate.

- (a) An annual leave accrual rate change is effective on the first day of the pay period in which the employee completes 3 years or 15 years of County service, except when the employee has used more than 4 consecutive weeks of LWOP as described in Section 23-8(a)(2).
- (b) The initial employment date for the purpose of annual leave accrual and the maximum annual leave carryover limit is the date on which the employee was first employed in a merit system career position.

* * *

16-12. Paid time off (PTO) and annual leave. PTO is a type of leave granted to MLS employees who are members of the Retirement Savings Plan.

* * *

- (d) ***Conversion of annual leave to PTO for certain MLS employees.***

✓

* * *

- (3) If an MLS employee who receives PTO leaves the MLS position and is promoted, demoted, or reassigned to a non-MLS merit system position, the CAO must:
 - (A) allow the employee to retain and use the unused PTO hours that the employee accumulated before the current leave year and a prorated share of the unused PTO hours for the current leave year; and



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- (B) allow the employee to earn annual leave from the effective date of the employee's promotion, demotion, or reassignment to a non-MLS position.

* * *

SECTION 17. SICK LEAVE

* * *

17-16. Paid time off (PTO) and sick leave. PTO is a type of leave granted to MLS employees who are members of the Retirement Savings Plan.

* * *

- (c) ***Conversion of sick leave to PTO for certain MLS employees.***

* * *

- (3) If an MLS employee who receives PTO leaves the MLS position and is promoted, demoted, or reassigned to a non-MLS merit system position, the CAO must:

- (A) allow the employee to retain and use the unused PTO hours that the employee accumulated before the current leave year and a prorated share of the unused PTO hours for the current leave year; and
- (B) allow the employee to earn sick leave from the effective date of the employee's promotion, demotion, or reassignment to a non-MLS position.

* * *



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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Originating Department Office of Human Resources	Effective Date

SECTION 21. ADMINISTRATIVE LEAVE

21-1. Authorized uses of administrative leave. The CAO may grant administrative leave to an employee:

* * *

- (g) for bereavement, under Section 21-2 of these Regulations;

* * *

SECTION 27. PROMOTION

* * *

27-1. Policy on promotion.

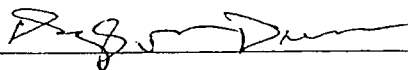
* * *

- (b) The County's promotional program must provide:

* * *

- (2) full and fair consideration of all eligible employees for higher level positions.

Approved:


Douglas M. Duncan, County Executive

7/16/04
Date

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF THE COUNTY ATTORNEY

BY David Stevenson

DATE April 27, 2004

Agreement

Between Fraternal Order of Police
Montgomery County Lodge #35, Inc.
and
Montgomery County Government
Montgomery County, Maryland

Police Bargaining Unit

For the Year July 1, 2003 Through June 30, 2004

Montgomery County, Maryland
Office of Human Resources
Labor Relations
101 Monroe Street, 7th Floor
Rockville, Maryland 20850
(240) 777-5114

July 2003

responsibility shall be limited solely to the transfer of said contributions. At that time, unit members may no longer contribute to the County's deferred compensation plan.

If the unit member elects to transfer his/ or her funds from the County's deferred compensation plan, the unit member shall be responsible for costs (e.g., back load fees) associated with such transfer. Transfers of assets from the County's deferred compensation plan must comply with all IRS rules and regulations and any such transfer shall be deemed elected by the unit member. No assets will be transferred from the County's deferred compensation plan into said plan, unless said plan is eligible to receive said transfers.

The FOP must provide the County reasonable assurance that said plan meets the definition of an eligible deferred compensation plan under Section 457 of the Internal Revenue Code. Such assurance shall be required upon establishment of said plan and periodically thereafter as requested of the County by its independent auditors. The County shall not be required to remit contributions to said plan's third party administrator in the absence of such reasonable assurance. ¹

Article 4 Prevention of Substance Abuse/Employee Rehabilitation

Section A. Alcoholism will be recognized and treated as a disease. Employees suffering from alcoholism will be afforded the opportunity for counseling and rehabilitation through a County program.

Section B. Alcohol-related disciplinary problems will not be exclusively dealt with in a punitive fashion.

Section C. Incidents of apparent alcohol and substance abuse by employees and/or the need for rehabilitation shall be administered pursuant to the procedure *Prevention of Substance Abuse/Employee Rehabilitation*, found at **Appendix A**, as amended July 1, 1992, of this Collective Bargaining Agreement.

Article 5 Tech Pay

Section A. Canine Officers.

1. Canine officers shall be compensated for the care and maintenance of the canine based upon their regular hourly police rate. Time allowed for care and maintenance shall be .5 hour per day. The officer shall be paid at the overtime rate for care and maintenance for hours in pay status in excess of forty (40) in the workweek. [See Side Letter.]
2. The officer shall not be compensated for care and maintenance of the canine on any day in which the canine is housed in a kennel for the entire day (12 midnight to 12 midnight).

Section B. FTO Pay.

1. Employees, other than MPOs, who are assigned Field Training Officer responsibilities, shall receive an FTO differential of \$3.50 per hour for each hour worked while training.
2. The Employer may continue the practice of nominating officers for annual leave awards for performing field training duties.

→ *Section C. Multilingual Pay Differential.*

1. *Skill Levels.* The Parties agree to establish a pay differential for officers whose job requires

¹ Section H of Article 3 was eliminated by operation of Article 48 *Action by the Montgomery County Council*, as a result of action taken by the Montgomery County Council in Resolution No. 14-851, May 1, 2001. [Subject to Art. 31.]

the occasional use of multilingual skills or signing. Affected officers will be afforded an opportunity to qualify for the multilingual pay differential.

Basic Skills. Basic skills are defined as those skills primarily required for signing or oral communication and comprehension such as those used in conversation with clients and citizens.

Advanced Multilingual Skills. Advanced skills are defined as those skills required for written communication and comprehension in a second language, in addition to skills in oral communication and comprehension.

2. **Certification.** Prior to becoming eligible for the pay differential, the unit member must successfully pass a language certification examination administered by the County Personnel Office. Testing will consist of a performance examination for those unit members who claim basic multilingual skills. A written examination assessing comprehension/translation skills will also be administered for those unit members claiming advanced skills. The designation of a skill level is non-grievable and non-arbitrable. This program shall not be administered in an arbitrary, capricious, or discriminatory manner.

Upon certification by the Personnel Office, language translation/interpretation skills will be made a performance guideline on the officer's performance appraisal form.

3. **Compensation.** Compensation is determined by the officer's certified language skill level. Compensation is paid for all hours actually worked during the pay period. Officers certified at the basic skill level will receive one dollar per hour for all hours actually worked. Officers certified at the advanced skill level will receive two dollars per hour for all hours actually worked.

Certified officers will indicate on their time sheets the multilingual skill code ML1 for Basic Skill certification, and ML2 for Advanced Skill certification.

4. **Overtime.** Certified officers will be paid overtime on the multilingual differential only for use of the skill during hours subject to overtime pay, i.e. in excess of the regular workday or workweek.
5. **Transfer.** It is recognized that once a member is designated in a skill level, he/she may be transferred to an assignment where the skill is needed.

Article 6 Clothing Allowance

Section A. The clothing allowance will be the following amounts for eligible employees:

Category	Annual Amount
Formal & Variety	\$1087
SAT	\$ 700
Casual	\$ 462
Partial	\$ 317

All Unit members who wear non-uniform clothing to be placed in a category under this section. Categories are to be agreed by the parties.

AGREEMENT

Between Municipal & County Government
Employees Organization,
United Food and Commercial Workers,
Local 1994, AFL-CIO and
Montgomery County Government,
Montgomery County, Maryland

Office, Professional, and Technical (OPT)
And
Service, Labor, and Trades (SLT)
BARGAINING UNITS

For the Years July 1, 2001 Through June 30, 2004

Montgomery County Government
Office of Human Resources
Labor/Employee Relations
101 Monroe Street - 7th Floor
Rockville, Maryland 20850
(240) 777-5114

Municipal and County Government
Employees Organization
108 Olde Towne Avenue, Suite 13
Gaithersburg, Maryland 20877
(301) 977-2447

July 2001

5.3 Shift Differential

- (a) Effective the first full pay period after July 1, 1998 each employee required to work a shift which begins between the hours of 2:00 p.m. and 10:59 p.m. shall receive ninety-five cents (\$0.95) for each hour worked and a one dollar and fifteen cents (\$1.15) for each hour worked on a shift which begins between the hours of 11:00 p.m. and 5:00 a.m. **The hourly pay differential shall increase to one dollar and twenty cents (\$1.20) and one dollar and forty (\$1.40) cents respectively effective July 1, 2002.** Employees who begin a shift after at or after 12 noon will be paid a shift differential for hours after 2:00 p.m. when 75% of their work hours are scheduled within the designated times above.
- (b) Employees receiving a shift differential of five percent (5%) of base salary for a non-rotating shift as of June 30, 1990 shall retain the dollar amount of that differential in lieu of the amounts specified in subparagraph (a) above. The dollar amount received as a differential as of June 30, 1990 shall remain constant during the term of this Agreement. Any employee vacating or filling a position previously subject to the five percent (5%) differential, shall no longer be entitled to the same.
- (c) Employees receiving a shift differential under subparagraph (b) above shall automatically become eligible for shift differential under subparagraph (a) above if the differential in (a) is greater than the amount received by the employee under (b) above.

→ 5.4 Multilingual Pay Differential

A pay differential for the use of multilingual skills is to be based upon the following criteria:

- (a) Basic Skills - Basic skills are defined as those skills primarily required for oral communication and comprehension such as those used in conversation with clients and citizens. **The department head must certify that certain jobs may require occasional use of basic multilingual skills.**
- (b) Advanced Multilingual Skills - Advanced skills are defined as those skills required for written communication and comprehension in a second language, in addition to skills in oral communication and comprehension. **The department head must certify that certain jobs may require occasional use of advanced multilingual skills.**
- (c) Compensation - Compensation is determined by the employee's language skill level. Compensation is paid for all hours actually worked during the pay period. Employees certified at the basic skill level will receive eighty-five (\$.85) cents per hour for all hours actually worked. Employees certified at the advanced skill level will receive one dollar (\$1.00) per hour for all hours actually worked. Effective the first full pay period after July 1, 2003 employees certified at the basic skill level will receive one dollar (\$1.00) per

hour for all hours actually worked. Employees certified at the advanced skill level will receive one dollar and thirty cents (\$1.30) per hour for all hours actually worked.

- (1) Certification - Prior to eligibility for any of the above compensation, affected employees will be required to successfully pass a certification examination administered by the **Office of Human Resources**. Testing will consist of a brief oral performance examination for those positions that **may** require basic multilingual skills. A written examination assessing comprehension/translation skills will also be administered for those positions that **may** require advanced skills. Both of these examinations will be designed to assess skills.
- (2) **Overtime – Employees will be paid overtime on the multilingual differential only for the use of skill during hours subject to overtime pay, i.e. in excess of the regular workweek.**
- (3) Appeals - The designation of positions requiring multilingual skills and the levels of compensation are non-grievable and non-arbitrable.

5.5 Pay Equity

The Employer shall provide reports on a quarterly basis on the number and nature of reclassifications/reallocations to occupational classes under QES which affect members of the bargaining unit.

5.6 Withholding PrePaid Salary

Employees hired prior to November 22, 1985 have a notice on their paycheck stub reflecting the advance hours for which the employee received pay. The reason for the advance was because of a one week offset between the time reporting period and the pay check period. The employee received this advance in the first payroll check that they received after they were hired.

In the event of termination, leave without pay (in excess of one work week), change in appointment status, or sick leave donor use, the amount of advance hours is settled with the payroll check following any of these actions and will reflect the repayment of hours advanced. The basis of the final repayment will be the final timesheet for hours worked and/or time paid less the advance hours at the rate of pay received on November 22, 1985 paycheck. For employees hired after November 22, 1985 there is annually a two week delay between the Time Reporting Period for reporting time worked or time paid and the time period for pay purposes. Advance hours are not applied to such employees hired after November 22, 1985.

5.7 Stand By Pay

Compensation and procedures will conform to Administrative Procedure 4-15, effective July 7, 1980. This Procedure will be redrafted to provide: Employees must be required to remain at their principal place of residence, or provide the employer with an alternative telephone number

Agreement

Between Montgomery County Career Fire Fighters
Association, International Association of Fire Fighters,
Local 1664, AFL-CIO and Montgomery County
Government, Montgomery County, Maryland

For the Years July 1, 2002 Through June 30, 2005

C. Hazardous Materials

Level III Assignment: \$1,637

Response Team Cert. \$ 407

Note: All bargaining unit personnel assigned to a Hazmat station or substation who are qualified as Hazmat Level III responders herein shall receive the assignment pay as specified herein.

D. Self Contained Breathing Apparatus Technician Assignment: \$1,637

E. Fire Code Enforcement Division Assignment: \$1,637

F. Fire Investigations Unit Assignment: \$1,800

G. Fire Captain Serving as Station Commander: \$2,887

Station Commander Pay shall be subject to satisfactory completion of established performance criteria/objectives as determined by the Employer.

→ **Section 17.3 Multilingual and Sign Language Pay Differential**

A. Bargaining unit members who are occasionally required to use multilingual or sign language skills on the job may receive a pay differential in accordance with the criteria presented in this Section 17.3.

B. The language skills for which a multilingual differential is paid will be determined by the Employer, based on the numbers of County residents who speak a language other than "spoken English." Languages, other than English, that are spoken by substantial numbers of County residents will be determined eligible for pay differential eligibility. If a language is spoken by a substantial number of County residents, then there is a significant likelihood that bargaining unit members will have occasional need to communicate in that language.

C. A pay differential will be paid to all bargaining unit members who pass a proficiency examination in basic multilingual or signing skills in a language, other than "spoken English," that has been determined eligible for receipt of the pay differential. All bargaining unit members will be afforded an opportunity to qualify for the multilingual pay differential. This program shall not be administered in an arbitrary, capricious or discriminatory manner.

D. Basic multilingual or signing skills are defined as those skills primarily required for signing or oral communication and comprehension, such as those used in conversation with citizens to whom fire and rescue services are provided.

- E. **Proficiency examination:** Prior to becoming eligible for the pay differential, the bargaining unit member must pass a language proficiency examination administered by the Montgomery County Office of Human Resources in a language that has been determined eligible for receipt of the pay differential. Testing will consist of an oral communication performance examination administered to those bargaining unit members who seek the multilingual pay differential. This examination will be designed to assess basic oral communication skills.
- F. **Compensation:** Compensation is paid for all hours actually worked during the pay period. Employees certified as possessing basic skills will receive one dollar per hour for all hours actually worked. If a language is removed from the list of eligible languages, a bargaining unit member receiving a multilingual certification pay differential for proficiency in that language, will immediately cease to receive the multilingual certification pay.

Certified employees will indicate on their time sheets the multilingual skill code ML 5 for Basic Skill certification.
- G. **Transfer of employee receiving certification pay:** It is recognized that the Employer has the authority to transfer any bargaining unit member who is receiving multilingual differential certification pay to another location or assignment where there is a need for basic multilingual skills, as such need is determined by the Employer.
- H. **Performance evaluation:** Whenever a bargaining unit member is receiving multilingual differential certification pay, the employee's use of basic language translation/interpretation skills will become an element of the employee's performance plan, and the employee's performance of basic language skills will be an element of the employee's performance evaluation.
- I. **Grievances:** Decisions regarding the selection of languages for eligibility for multilingual certification pay, the content of language proficiency examinations, and decisions regarding whether a bargaining unit member satisfies language proficiency requirements are non-grievable and non-arbitrable.

Section 17.4 Impact of Special Pay Differential on Other Compensation and Benefits

The pay differentials listed above in section 17.2 given as assignment pay, amounts received as working out of class pay **and multilingual and sign language pay differential in section 17.3** shall be added to the employees' base pay and shall be factored in when computing overtime rates, any existing overtime cap and retirement. Employees eligible for certification pay for one of the above differentials will be paid in a lump sum, once a year and such pay will not be factored into computing overtime and retirement.

News

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
OFFICE TO COMBAT DOMESTIC VIOLENCE

April 20, 2004

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MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE JOINS LOCAL AND INTERNATIONAL LEADERS TO ANNOUNCE NEW AND UNIQUE INTERPRETATION PROGRAM IN THE 115TH PRECINCT

Immediate Language Line Interpretation for Victims Can Help Police Save Lives

Commissioner Yolanda B. Jimenez of the Mayor's Office to Combat Domestic Violence will join the Honorable Consul Generals of Colombia, Ecuador, Mexico, and the Dominican Republic, the New York City Police Department, and local community organizations in announcing a new language access project in the 115th Precinct. Part of Mayor Michael R. Bloomberg's ongoing commitment to eliminating domestic violence, the Language Line Project equips police officers who investigate domestic violence incidents with cellular telephones that have immediate access to Language Line Interpretation Services in over 150 languages.

Funded through a U.S. Department of Justice, Office of Violence Against Women grant, the Language Line Project ensures instant, on-scene language interpretation to enhance the ability of police officers to more accurately establish facts in domestic violence incidents. The pilot program gives a voice to victims who otherwise would be unable to communicate with the police in their own language. It also encourages victims of abuse to seek help from the police, while increasing batterer accountability.

To bring awareness of the program to the local Hispanic community, Commissioner Jimenez will co-host a community education event at the Blessed Sacrament Roman Catholic Church, Thursday, April 22, 2004 at 7:00 PM. The goal of the meeting will be to provide Spanish-speaking residents with critical information about local domestic violence resources and to encourage residents to reach out to police and community based organizations for help regardless of their immigrant status and/or language capability.

"Domestic violence is an underreported crime and immigrant victims, in particular, may be less likely to report abuse than non-immigrant women due to language barriers or cultural differences," said Commissioner Jimenez.

This outreach effort will inform community members about the impact of domestic violence on children, families, and the community at-large. By speaking out against domestic violence and by calling the police or the New York City Domestic Violence Hotline, community members can play an active role helping those most in need.

Focus groups held by the Mayor's Office to Combat Domestic Violence in 2002 identified the language barrier as the leading obstacle to receiving domestic violence services. The precinct's 250 police officers have received training on how to use the new Language Line cellular telephones and on culturally sensitive interview skills. In the first month of the project, the Language Line was used 32 times for 8 different languages including: Spanish, Bengali, Cantonese, Korean, Mandarin, Farsi, Sinhalese, and Russian.

Domestic violence is abusive behavior—emotional, physical, or sexual—that one person in an intimate relationship uses in order to control the other. Victims of domestic violence can be married, divorced, or dating. For help 24-hours a day, victims can call 911, the NYC Domestic Violence Hotline at 1(800) 621-4673 or 311.

Through the efforts of all New Yorkers to end family related violence, major domestic violence crime (murder, rape, and felony assaults) decreased by 10.8% in 2003. Domestic violence is a crime in New York City and batterers will be held accountable.

The New York TimesPRINTER-FRIENDLY FORMAT
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April 22, 2004

Translating Crime Reports by Cellphone

By ROBERT F. WORTH

A few weeks ago, Officer Jessica Trimoglie found herself on a dark street corner in Queens, face to face with a weeping Hispanic woman who spoke no English. It was an all-too-common problem for the city's police: something was wrong, possibly a domestic violence complaint, but the language barrier made it impossible to know what.

So Officer Trimoglie pulled out a small black cellphone and pressed a button on it. Within seconds, a translator in California could be heard clearly through the phone's speaker, interpreting the woman's complaint, which turned out to be about sexual harassment. Officer Trimoglie told the woman how to get an order of protection, and directed her to a local organization where Spanish speakers would help.

The police officer's cellphone - which links her to 24-hour translation service in 150 languages - is part of a new effort aimed at one of the city's most intractable criminal justice problems: domestic violence among immigrants. The violence often goes unreported or unresolved, the police and prosecutors say, because victims cannot communicate with the police or fear reprisals by their own relatives, since many come from cultures where domestic abuse is tolerated by law or custom.

On March 18, phones with access to Language Line Services, a translation company, were distributed to patrol officers in the 115th Precinct, which covers Jackson Heights, East Elmhurst and Corona - perhaps the most linguistically and culturally diverse area in the city, with foreign languages spoken in 83 percent of the precinct's homes.

"We interviewed victims who had contact with the police, and the No. 1 issue is always language," said Yolanda B. Jimenez, the commissioner of the Mayor's Office to Combat Domestic Violence, which secured a \$300,000 grant from the federal government for the project. "This will allow victims to tell police officers what happened at 2 a.m., in Urdu."

In its first month, the language line was used three dozen times for nine languages: Bengali, Korean, Cantonese, Mandarin, Russian, Sinhalese, Farsi, Spanish and Hindi.

The officers who have used it call it a tremendously useful tool. The city's 911 operators have had access to translation services since 1972, but patrol officers have not had such access until now.

"Often with immigrant families, the husband is the only one who speaks English," said Officer Trimoglie, who has used the phone four times. "If she calls 911, by the time we get there he's in control of everything and we only get his side of the story. This phone gives everybody equal ground so we can see what's really going on."

The phone has also been helpful in talking to potential witnesses, who often melt away when officers have to wait for a translator, Officer Trimoglie said.

In potential domestic violence cases, the officers begin by saying they are there to help, officers said. They then explain that under city law they cannot inquire about the immigration status of a crime victim or witness.

This fact - the result of an executive order signed by law last year by Mayor Michael R. Bloomberg - is crucial, because fear of deportation discourages many immigrants from calling in the first place, said Hilary Seo, a lawyer with Sanctuary for Families, which offers legal assistance to victims of domestic violence and is the city's partner on the language line project.

"Over half the women we work with say men in their families have threatened to report them to immigration agencies and get them deported," Ms. Seo said.

Prosecutors are enthusiastic about the language line, too, because even when victims are willing to call the police, the absence of a translator can play havoc with evidence. Sometimes even after making a complaint, immigrants can be persuaded (or intimidated) to recant, said Scott E. Kessler, the domestic violence bureau chief in the Queens district attorney's office. But, he said, with the language line, transcripts of their initial statements can be used as corroborating affidavits even if they have backed down.

"This will help in a number of ways," Mr. Kessler said. "The more information we can gather, the safer we can make the victim, and the easier it is to determine charges."

The language line is the latest in a series of innovations in dealing with domestic violence by the New York City police and prosecutors. Two years ago, the city began using digital photographs in such cases for the first time. They also began digitizing 911 tapes so that they could be e-mailed within hours to prosecutors, who used to wait months to receive them.

A case last July brought new urgency to the language-gap issue. A Korean man poured gasoline on his girlfriend and set her on fire as she dropped her 10-year-old son off at a day camp in Flushing, Queens, leaving her so badly burned that she died shortly afterward. As in many such crimes, neighbors said they had overheard bitter fights in the months leading up to the incident.

Obviously, the language line is no use to victims who are too frightened even to call the police in the first place. There are plenty of those. In 70 percent of all family-related homicides, there was no known prior contact with the police, Ms. Jimenez said. In most of those cases, many of which involve immigrants, the conflict that led to the killing began with small-scale domestic incidents, she added.

But city officials hope to change that by spreading word about the program and how it works. City officials are holding community forums to inform people about the language line and other services in areas with large immigrant populations, the first of which will take place tonight in Jackson Heights.

The city is monitoring the way the program is used to see whether it could be expanded to other precincts, Ms. Jimenez said.

One factor, of course, will be cost. Although the current program is being paid for by the Justice Department, the city might have to pay to continue it past the pilot phase. Language Line Services, the California-based company that provides the translation service, charges \$1.50 to \$2.00 per minute for high-volume users, including most police departments, said Dale Hansman, a company spokesman.

On any given day, Language Line Services employs up to 2,000 translators, some of them working at

home, some in a vast call center. The company was born out of an urban police officer's frustration. Before he founded Language Line Services in 1983, Jeff Munks was a patrol officer in San Jose, Mr. Hansman said.

One night, Officer Munks was called to a house where he found a man shouting frantically in an Asian language and waving his arms. Not knowing whether the man was hostile, Officer Munks drew his gun and pinned the man. Only later did he discover that the man, a Vietnamese immigrant, was trying to tell him that his son was having trouble breathing.

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MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

PATIENT REFUSAL OF CARE AND/OR TRANSPORT

UNIT #: _____ INCIDENT NUMBER: _____ DATE: _____

INCIDENT LOCATION: _____

All patient refusal of services should be thoroughly documented. See reverse for instructions.

PERSON COMPLETING REPORT: _____ / _____
 print name signature

RELEASE FROM RESPONSIBILITY WHEN PATIENT REFUSES SERVICES

This is to certify that I, _____, am refusing
[circle appropriate] **(emergency care)** / **(transport)** offered by the emergency medical
services provider(s). I acknowledge that I have been informed of the risks of refusing services
and I hereby release the emergency medical services providers from any claims for damages
or injury arising from my refusal of emergency medical services.

Witness _____

Signed _____
patient's/guardian's signature

Relationship _____

Witness _____

relationship _____

• TRANSLATION CARD •



ENGLISH / SPANISH

A Service for the Clinician, Sponsored by Schering/Key

• USEFUL WORDS/PHRASES •

Hello	Hola
I speak a little Spanish	Hablo un poco de español
My name is	Me llamo
What is your name?	¿Cómo se llama?
Good morning	Buenos días
Good afternoon	Buenas tardes
Good evening	Buenas noches
Yes	Sí
No	No
Please	Por favor
Sit down	Siéntese
Lie down	Acuéstese
Stand up	Párese
Do you understand?	¿Entiende usted?
Does the child have ...?	¿Tiene el niño (la niña) ...?
Is the child ...?	¿Esta el niño (la niña) ...?
I need to check ...	Necesito revisar ...
Give the child ...	Déle al niño (a la niña) ...
Do not give the child ...	No le de al niño (a la niña) ...
Do you have ...?	¿Tiene usted ...?
How much?	¿Cuánto?
How many?	¿Cuántos?

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• OUTCOME continued •

To return here	Regresar aquí
An injection	Una inyección
Physical therapy	Terapia física
To stop your medicine	Descontinuar su medicina
To speak with a social worker	Hablar con un(a) trabajador(a) social
Transportation/ambulance	Transporte/ambulancia
To see the nurse	Ver a la enfermera
To see the nurse practitioner	Ver al (a la) "nurse practitioner"
To see a specialist	Ver a un(a) especialista
To see the physician assistant	Ver al (a la) "physician assistant"
To see the doctor	Ir a ver al doctor (a la doctora)
Take ...	Tome ...
Once a day	Una vez al día
Twice a day	Dos veces al día
Three times a day	Tres veces al día
Four times a day	Cuatro veces al día
With meals	Con las comidas
Between meals	Entre comidas
Before meals	Antes de la comida
After meals	Después de la comida
Before bed	Antes de acostarse
A small amount	Una cantidad pequeña
Clear fluids	Líquidos transparentes
Soy bean formula	Fórmula de soya
Bananas	Bananas
Rice	Arroz
Tea	Té
Applesauce	Puré de manzana
Avoid ...	Evite ...
Fried food	Comidas fritas
Spicy food	Comidas picantes
Dairy products	Productos lácteos
Admission office	Oficina de admisión
Hospital insurance	Seguro de hospitalización
Here is the phone number	Aquí está el número de teléfono

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• NUMBERS/TIME/DAYS •

Zero	Cero	Un minute	Un minuto
One	Uno	One second	Un segundo
Two	Dos	One week	Una semana
Three	Tres	One month	Un mes
Four	Cuatro	One year	Un año
Five	Cinco	Sunday	Domingo
Six	Seis	Monday	Lunes
Seven	Siete	Tuesday	Martes
Eight	Ocho	Wednesday	Miércoles
Nine	Nueve	Thursday	Jueves
Ten	Diez	Friday	Viernes
		Saturday	Sábado

• ANATOMY •

Anus	El ano	Intestines	Los intestinos
Back	La espalda	Leg	La pierna
Bone	El hueso	Lungs	Los pulmones
Breast	El seno	Muscle	El músculo
Chest	El pecho	Neck	El cuello
Ear	El oído	Nose	La nariz
Eye	El ojo	Penis	El pene
Finger	El dedo	Rib	La costilla
Foot	El pie	Skin	Cutis
Gland	Glándula	Stomach	El estómago
Hand	La mano	Thigh	El muslo
Head	La cabeza	Throat	La garganta
Heart	El corazón	Toe	El dedo del pie
Hernia	La hernia	Tongue	Lengua
Hip	La cadera	Uterus	El útero
		Vagina	La vagina

These cards are designed as a quick reference to assist in the communication between English- and Spanish-speaking clinicians and patients. The cards should not be used as the sole form of communication; clinicians are responsible for verifying patient understanding.

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• SIGNS/SYMPTOMS •

Fever	Fiebre	Diarrhea	Diarrea
Pain	Dolor	Irritable	Irritable
Rash	Erupción	Lethargic	Aletargado(a)
Seizure	Convulsión	Seizure	Ataque
Runny nose	Fluido de nariz	Blood	Sangre
Headache	Dolor de cabeza	Bleeding	Sangrado
Cough	Tos	Red	Rojo(a)
Difficulty breathing	Dificultad para respirar	Swollen	Hinchado(a)
Chest pain	Dolor en el pecho	Infection	Infección
Abdominal pain	Dolor abdominal	Black	Negro(a)
Nausea	Náusea	Itchy	Comezón
Vomiting	Vómito	Unconscious	Inconsciente
Stool	Heces fecales	Stiff neck	Rigidez de cuello
Constipation	Estreñimiento	Fracture	Fractura

• PHYSICAL •

Height	Estatura
Weight	Peso
Hearing	Oído
Vision	Vista
Head circumference	Circunferencia de la cabeza
Open your mouth	Abra la boca
Stick out your tongue	Saque la lengua
Swallow	Trague
Breathe deeply	Respire profundamente
Look straight ahead	Mire directo al frente
Show me	Enséñeme
Does it hurt when I press?	¿Le duele cuando le oprimó?
Turn over	Voltee
Don't move	No se mueva
Bend over	Inclínese
Push	Empuje

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• HISTORY •

How are you?	¿Cómo está usted?
What is wrong?	¿Cuál es su problema?
Show me	Enséñeme
Where?	¿Dónde?
How long?	¿Por cuánto tiempo?
How old are you?	¿Qué edad tiene usted?
Do you have allergies?	¿Tiene usted alergias?
To what?	¿A qué?
Do you take any medications?	¿Toma usted medicamentos?
Previous surgeries?	¿Operaciones anteriores?
Do you smoke?	¿Fuma usted?
Do you use drugs?	¿Utiliza usted drogas?
Does the pain radiate?	¿Se extiende el dolor?
Are you a diabetic?	¿Es usted diabético(a)?
Do you have asthma?	¿Tiene usted asma?
Record of immunizations	Lista de vacunas
Breast-feeding	Dar pecho
Bottle-feeding	Alimentado con biberón
Which formula?	¿Cuál fórmula?
Vitamins	Vitaminas
Drinking normally	Bebiendo normalmente
Urinating normally	Orinando normalmente
Sleeping normally	Durmiendo normalmente

• OUTCOME •

You will need ...	Usted necesitará ...
Medication	Medicamento
To stay overnight	Pasar la noche
To return in one week	Regresar en una semana
To make an appointment today	Hacer una cita hoy
To call tomorrow for results	Llamar mañana por los resultados
An x-ray	Tomarse una radiografía
Lab work	Análisis de laboratorio
Stitches	Puntos
Surgery	Cirugía

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Sample questions programmed for SafetyPAD

Call the PSCC at 240-683-6520 and request to speak with the Language Bank

- 1 Do you speak _____(language)?
- 2 Does anyone here speak English?
- 3 Is there someone who we can call on the phone to translate?
- 4 What is your name?
- 5 My name is ...

History of present illness or injury

- 6 Is there a DNR form?
- 7 Are you sick?
- 8 Are you hurt?
- 9 Point to where it hurts.
- 10 Does anything else hurt?
- 11 Are you having chest pain?
- 12 Are you able to walk?
- 13 Are you having trouble breathing?
- 14 Is it worse when you walk?
- 15 Does it lessen when you sit?
- 16 Did it start today?
- 17 Did it start just before you called 911?
- 18 Has this ever happened before?
- 19 Is this the first time this ever happened?
- 20 Did you fall?
- 21 Did you hit your head?
- 22 Did you vomit?
- 23 Are you pregnant?
- 24 How many months pregnant?
- 25 Were they unconscious?
- 26 Did there seem to be a change in personality?
- 27 Were there drugs or alcohol involved?
- 28 Were they able to talk?
- 29 Were they breathing?

Past History

- 30 Do you have any medical problems?
- 31 Do you have heart problems?
- 32 Do you have respiratory problems?
- 33 Do you have CHF?
- 34 Do you have problems with fluid build up or swelling in your legs and feet?
- 35 Do you have asthma?
- 36 Do you have bronchitis?
- 37 Do you have emphysema?
- 38 Do you have high blood pressure?
- 39 Do you have diabetes?
- 40 Do you take insulin?
- 41 Do you have cancer?
- 42 Do you have seizures?

Medications / Allergies

- 43 Do you take any medicine?
- 44 Do you take Lasix or a "water pill"?
- 45 Please bring me the medicine bottles.
- 46 Did you take any medicine today?

- 47 Did you take nitroglycerin?
- 48 Did you take aspirin?
- 49 Did you take Motrin?
- 50 Did you take Tylenol?
- 51 Are you allergic to any medicines?
- 52 Are you allergic to any foods?
- 53 Have you taken VIAGRA w/in the past 24 hrs?

Demographic Questions

- 54 Do you live here?
- 55 What is your home address?
- 56 Do you have a medical card?
- 57 Do you have an identification card?
- 58 How old are you?
- 59 When is your birthday?

General

- 60 Do you understand?
- 61 May I see?
- 62 Show me please.
- 63 Write it please.

Treatment - Instructions

- 64 Exposure - We need to remove some of your clothing to assess and treat you.
- Immobilization – We are going to put you on a backboard. It will hold your head and back still as a precaution in case you have a neck or spinal cord injury.
- 65 Lung Sounds - When I say "OK", quietly take a deep breath in through your mouth then
- 66 exhale.
- Oxygen - This mask gives you oxygen and will help you feel better, just relax and breathe normally.
- 67 Albuterol - This medicine should help clear you up so you can breathe better. Keep the
- 68 mask on your face and breathe normally.
- BVM - We are trying to help you breathe. Just breathe in when we squeeze the bag and try
- 69 to relax.
- Nasotrach 1 - Are you taking anti-coagulants or blood thinners such as coumadin or
- 70 warfarin?
- Nasotrach 2 - We need to put this tube through your nose to help you breathe. Tilt your
- head back until I say "OK", and then back down until you're looking straight ahead. This is
- 71 going to be uncomfortable, but try to relax as much as you can.
- Glucometer - We need to see how much sugar is in your blood. You'll feel a quick stick in
- 72 your finger. Try to keep still.
- IV - I'm going to start an IV on you. This will act as a medication port if we need to give you
- medicine or fluids. You're going to feel a stick in your arm. Keep your arm straight and try
- 73 to stay still.
- Nitroglycerin - Lift your tongue to the roof of your mouth. This medicine should help with
- 74 your chest pain. You may have a minor headache in a few minutes.
- Valsalva - Your heart is beating too fast and we need to slow it down. On the count of 3,
- take in a deep breath, hold it, and then push down as hard as you can like you're having a
- 75 bowel movement. 1,2,3...
- Cardioversion - Your heart is beating too fast, and we need to use electricity to regulate it.
- This is going to be very uncomfortable. We're going to give you some medication to ease
- 76 the pain.
- Pacing - Your heart is beating too slow, and we need to use electricity to regulate it. This is
- 77 going to be very uncomfortable. We're going to give you some medication to ease the pain.

Transport / Refusal

78 We think you need to go to the hospital. The hospital has more equipment to evaluate/treat
this illness/injury.
79 We think you do NOT need to go to the hospital.
80 Do you want to go the hospital?
81 Is anyone going to come with you to the hospital?
82 Your family/friends are going to meet us at the hospital.
83 Do you have a doctor who you see?
84 What is your doctor's phone number?
85 Can you walk?
86 Are you comfortable?
87 Do you feel better than before?
88 The police will handle your vehicle. They'll get the information to you.
89
90
91
92
93

DHHS Multilingual Employees by Service Area *

Service Area	Classification	Program	Level	Language
Adult Mental Health & Substance Abuse	Therapist II	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Psychiatrist	Jail Addition Services	A - Advance	Spanish
	Therapist II	Addictions Services Coordination	A - Advance	Spanish
	Therapist II	Jail Addition Services	B - Basic	Spanish
	Therapist II	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Therapist II	Outpatient Addition Services	A - Advance	Spanish
	Therapist II	Core Services Agency	A - Advance	Spanish
	Income Assist Program Specialist I	Core Service Agency	A - Advance	Spanish
	Community Services Aide II	Jail Addition Services	B - Basic	Spanish
	Psychiatrist	Adult Outpatient Mental Health Services	A - Advance	Vietnamese
	Office Services Coordinator	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Community Mental Health Counselor	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Therapist II	Adult Outpatient Mental Health Services	A - Advance	Vietnamese
	Psychiatrist	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Community Services Aide III	Core Services Agency	A - Advance	Spanish
	Therapist II	Adult Outpatient Mental Health Services	A - Advance	Spanish
	Principal Administrative Aide	Adult Outpatient Mental Health Services	A - Advance	Vietnamese
	Therapist II	Outpatient Addition Services	A - Advance	Spanish
	Therapist II	Adult Outpatient Mental Health Services	A - Advance	Spanish
Aging & Disability Services	Income Assistance Program Specialist II	Community/Nursing Home Medical Assistance	A - Advance	Spanish
	Client Assistance Specialist	Information and Assistance	A - Advance	Spanish
	Client Assistance Specialist	Senior Community Programs	A - Advance	Vietnamese
	Client Assistance Specialist	Information and Assistance	B - Basic	Spanish
	Income Assistance Program Specialist II	Community/Nursing Home Medical Assistance	A - Advance	Spanish
	Community Services Aide II	Linkages to Learning	A - Advance	Spanish
	Counseling Specialist	Child Welfare Services	B - Basic	Spanish
	Therapist II	Child Welfare Services	A - Advance	Spanish
	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Therapist II	Child & Adolescent Mental Health Services	B - Basic	Spanish
Children, Youth & Family Services	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Social Worker III	Child Welfare Services	B - Basic	Spanish
	Community Services Aide III	System Reform Initiative	A - Advance	Spanish
	Social Worker III	Child Welfare Services	A - Advance	Spanish
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	Therapist II	Juvenile Justice Services	A - Advance	Spanish
	Psychiatrist	Juvenile Justice Services	A - Advance	Spanish
	School Health Room Aide I	School Health Services	A - Advance	Spanish
	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Community Services Aide II	Linkages to Learning	A - Advance	Spanish
	Social Worker II	Child Welfare Services	A - Advance	French

*The service areas listed in these tables reflect the DHHS structure prior to FY 04.

Service Area	Classification	Program	Level	Language
Children, Youth & Family Services	Social Worker III	Child Welfare Services	A - Advance	Chinese
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	Community Health Nurse II	School Health Services	A - Advance	Spanish
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	Therapist II	Child & Adolescent Mental Health Services	A - Advance	Spanish
	Social Worker I	Child Welfare Services	B - Basic	Spanish
	Community Services Aide III	Child Welfare Services	B - Basic	Spanish
	School Health Room Aide I	School Health Services	B - Basic	Spanish
	Office Services Coordinator	Linkages to Learning	A - Advance	Spanish
	School Health Room Aide I	School Health Services	A - Advance	Spanish
	Social Worker II	Child Welfare Services	B - Basic	Spanish
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	Counseling Specialist	Linkages to Learning	A - Advance	Spanish
	Social Worker III	Child Welfare Services	A - Advance	Chinese
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	School Health Room Aide I	School Health Services	B - Basic	Spanish
	Community Services Aide III	Child Welfare Services	A - Advance	Spanish
	Therapist II	Child Welfare Services	A - Advance	Spanish
	Community Services Aide III	Child & Adolescent Mental Health Services	A - Advance	Spanish
	Social Worker II	System Reform Initiative	A - Advance	Spanish
	Community Services Aide III	Child Welfare Services	B - Basic	Spanish
	Social Worker II	Child Welfare Services	A - Advance	Spanish
	Psychiatrist	Child Welfare Services	A - Advance	Spanish
	Income Assistance Program Specialist I	Child & Adolescent Mental Health Services	B - Basic	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Amharic
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Cambodian
	Supervisory Therapist	Public Assistance Benefits Certification	A - Advance	French
Crisis, Income & Victims Services	Community Services Aide III	Partner Abuse Program	A - Advance	Spanish
	Therapist II	Prevention & Crisis Intervention	A - Advance	Spanish
	Income Assistance Program Specialist II	24 Hour Crisis Center	A - Advance	Spanish
	Income Assistance Program Specialist III	Public Assistance Benefits Certification	A - Advance	Spanish
	Social Worker II	Public Assistance Benefits Certification	B - Basic	Cantonese
	Therapist II	Transitional Housing & Services	B - Basic	Nepali/Hindi
	Community Services Aide III	Partner Abuse Program	B - Basic	Spanish
	Income Assistance Program Specialist II	Community Outreach	A - Advance	Spanish
	Client Assistance Specialist	Public Assistance Benefits Certification	A - Advance	Spanish
	Program Manager II	Child Care Subsidies	A - Advance	Ethiopian
	Community Services Aide II	Community Outreach	A - Advance	Spanish
	Income Assistance Program Specialist II	Community Outreach	A - Advance	Spanish
	Income Assistance Program Specialist II	Rental Assistance	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Vietnamese
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Korean
	Community Services Aide III	Community Outreach	A - Advance	Korean
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	French
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish

Service Area	Classification	Program	Level	Language
Crisis, Income & Victims Services	Principal Administrative Aide	Child Care Subsidies	A - Advance	Spanish
	Principal Administrative Aide	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist III	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Office Services Coordinator	Community Outreach	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist I	Public Assistance Benefits Certification	B - Basic	Vietnamese
	Community Services Aide III	Prevention & Crisis Intervention	A - Advance	Vietnamese
	Client Assistance Specialist	Victim Assistance & Sexual Assault Services	B - Basic	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Swahili
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist III	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Vietnamese
	Client Assistance Specialist	Child Care Subsidies	B - Basic	Spanish
	Client Assistance Specialist	Partner Abuse Program	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Russian
	Program Specialist II	Community Outreach	B - Basic	Spanish
	Client Assistance Specialist	Partner Abuse Program	A - Advance	Spanish
	Social Worker III	Transitional Housing & Services	B - Basic	Spanish
	Community Mental Health Counselor	24 Hour Crisis Center	A - Advance	Spanish
	Community Services Aide III	Prevention & Crisis Intervention	A - Advance	Spanish
	Therapist II	Victim Assistance & Sexual Assault Services	A - Advance	Spanish
	Therapist II	Victim Assistance & Sexual Assault Services	A - Advance	Spanish
	Therapist II	24 Hour Crisis Center	A - Advance	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	B - Basic	Spanish
	Income Assistance Program Specialist II	Public Assistance Benefits Certification	A - Advance	Spanish
	Income Assistance Program Specialist I	Public Assistance Benefits Certification	A - Advance	Spanish
	Social Worker	Prevention & Crisis Intervention	A - Advance	Spanish
Early Childhood Services	Community Health Nurse II	HHS Quality EnHanc. Of Early Child Services	A - Advance	Spanish
	Community Services Aide II	Services to Children with Special Needs	B - Basic	Spanish
	Community Health Nurse II	Tuberculosis Program	A - Advance	Spanish
	Community Services Aide III	Women's Health Services	A - Advance	Spanish
Public Health Services	Principal Administrative Aide	STD/HIV Prevention & Treatment Program	B - Basic	Amharic
	Office Services Coordinator	Community Health Nursing Services for Women	A - Advance	Spanish
	Community Services Aide I	Women's Health Services	B - Basic	Spanish
	Office Services Coordinator	Women's Health Services	B - Basic	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	A - Advance	Spanish
	Principal Administrative Aide	STD/HIV Prevention & Treatment Program	B - Basic	Spanish
	Community Services Aide I	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide II	Specialty Medical Consultation	B - Basic	Spanish
	Program Specialist II	STD/HIV Prevention & Treatment Program	B - Basic	Spanish
	Community Services Aide III	Women's Health Services	B - Basic	Spanish
	Community Services Aide 1	Women's Health Services	B - Basic	Creole
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	French

Service Area	Classification	Program	Level	Language
Public Health Services	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Health Nurse II	Tuberculosis Program	A - Advance	Spanish
	Principal Administrative Aide	Communicable Disease/Epidemiology/Lab Svcs	A - Advance	Spanish
	Community Health Nurse II	Tuberculosis Program	B - Basic	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Health Nurse II	Specialty Medical Consultation	B - Basic	Spanish
	Community Services Aide I	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide I	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide I	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Health Nurse II	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide II	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide III	Women's Health Services	B - Basic	Spanish
	Manager III	Community Health Nursing Services for Women	B - Basic	Spanish
	Principal Administrative Aide	Community Health Nursing Services for Women	A - Advance	Spanish
	Program Specialist II	Environmental Health Regulatory Services	A - Advance	Spanish
	Program Manager II	Health Promotion & Prevention	A - Advance	Spanish
	Community Health Clinical Technician	STD/HIV Prevention & Treatment Program	B - Basic	Spanish
	Community Services Aide I	Specialty Medical Consultation	B - Basic	Spanish
	Principal Administrative Aide	Tuberculosis Program	B - Basic	Spanish
	Community Services Aide I	Tuberculosis Program	B - Basic	Vietnamese
	Community Services Aide III	Specialty Medical Consultation	B - Basic	Vietnamese
	Community Services Aide III	Community Health Nursing Services for Women	A - Advance	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide III	Community Health Nursing Services for Women	B - Basic	Spanish
	Dental Assistant	Community Health Nursing Services for Women	A - Advance	Spanish
	Manager III	Dental Services	A - Advance	Spanish
	Dental Assistant	Tuberculosis Program	A - Advance	Spanish
	Office Services Coordinator	Dental Services	A - Advance	Spanish
	Community Services Aide II	Specialty Medical Consultation	B - Basic	Spanish
	Administrative Aide	Cigarette Restitution Funds	B - Basic	Spanish
	Community Services Aide I	Community Health Nursing Services for Women	A - Advance	Spanish
	Principal Administrative Aide	Women's Health Services	B - Basic	Spanish
	Community Services Aide I	Tuberculosis Program	A - Advance	Spanish
	Community Health Nurse II	Community Health Nursing Services for Women	B - Basic	Spanish
	Principal Administrative Aide	Community Health Nursing Services for Women	B - Basic	Spanish
	Community Services Aide II	Dental Services	A - Advance	Vietnamese
	Community Services Aide II	Tuberculosis Program	A - Advance	Spanish

CENTRO DE CRISIS**Bilingual Walk-In Form**

¿PRIMERA VISITA?

SI NO

Este cuestionario ha sido creado con la finalidad de servirle mejor. Después de completarlo, por favor entrégeselo a la persona que atiende la ventanilla y tome asiento, en breve un consejero o terapeuta le atenderá personalmente. Este servicio es confidencial y gratuito.

This questionnaire has been created to serve you better. After you fill it out, please give it to the person at the window and have a seat. A counselor or therapist will meet with you shortly. This service is confidential and free.

Fecha de hoy (Today's date): _____ **Hora (Time):** _____

Nombre (Name): _____ **Edad (Age):** _____

Fecha de Nacimiento (DOB): _____ **Lugar de Nacimiento (Place of birth):** _____

Dirección (Address): _____

Ciudad/Estado (City/State): _____ **Código Postal (Zip code):** _____

Condado en el que vive (County of residence): _____

Teléfono de su casa (Home phone): _____ **Teléfono del trabajo (work phone):** _____

Ocupación (occupation): _____ **¿Es Ud. Veterano de guerra? (Are you a veteran?):** **SI NO**

¿Tiene Seguro Social? (Do you have social security?): **SI NO** #: _____

Estado Civil; encierre en un círculo: Soltero(a) Casado(a) Divorciado(a) Separado(a) Otro
(Marital status, circle) Single Married Divorced Separated Other

¿Tiene seguro de salud? (Do you have health insurance?): **SI NO**

Encierre en un círculo (circle): Medicaid Pharmacy Assistance
Medicare Seg. de salud privado (Private Insurance)

Marque con una "X" las razones por las que ha venido al Centro de Crisis hoy:
(Mark with an X the reasons why you came to the Crisis Center today)

- _____ **Problemas familiares/maritales (family/marital problems)**
- _____ **Violencia doméstica (domestic violence)**
- _____ **Problemas emocionales/mentales (emotional/mental problems)**
- _____ **Problemas de abuso de alcohol y/o drogas (alcohol and/or drug abuse problems)**
- _____ **Necesita albergue/refugio para usted y su familia (need shelter for you and your family)**
- _____ **Necesita albergue/refugio para usted solamente (need shelter only for yourself)**
- _____ **Derivado por la escuela (School referral)**
- _____ **Problemas de salud física (physical health problems)**
- _____ **Necesita medicinas psiquiátricas (need psychiatric meds.)**
- _____ **Necesita información para ayudar a un familiar (need info. to help a family member?)**
- _____ **Otro (Other)** _____

Por favor conteste las siguientes preguntas marcando SI o NO:
(Please answer the following questions YES or NO)

- | | | |
|--|----|----|
| 1. ¿Se siente deprimido o triste? (Do you feel depressed or sad?) | SI | NO |
| 2. Últimamente se siente sin energías (Lately do you feel without energy) | SI | NO |
| 3. Últimamente duerme mucho o duerme muy poco
(Lately do you sleep too much or too little?) | SI | NO |
| 4. Últimamente ha notado un cambio en su apetito, ha aumentado o disminuido
(Lately, have you noticed a change in your appetite, increased or decreased?) | SI | NO |
| 5. Últimamente se olvida de las cosas fácilmente
(Lately, do you forget things easily?) | SI | NO |
| 6. ¿Se siente confundido (Do you feel confused?) | SI | NO |
| 7. ¿Se siente estresado? (Do you feel stressed?) | SI | NO |
| 8. ¿Tiene o ha tenido ataques de pánico?
Do you have or have you ever had panic attacks? | SI | NO |
| 9. ¿Alguna vez ha recibido tratamiento con un terapeuta y/o psiquiatra?
Have you ever received treatment with a therapist or psychiatrist? | SI | NO |
| 10. ¿Alguna vez ha recibido tratamiento por abuso de alcohol/drogas?
Have you ever received alcohol/drug abuse treatment? | SI | NO |
| 11. ¿Alguna vez ha sido hospitalizado por: Have you ever been hospitalized for: | SI | NO |
| - Problemas emocionales/mentales (emotional/mental problems) | SI | NO |
| - Problemas de alcohol y/o drogas (alcohol and/or drug problems) | SI | NO |
| 12. ¿Alguna vez ha tomado medicinas para la depresión?
(Have you ever taken medications for depression?) | SI | NO |
| 13. ¿Alguna vez ha tomado medicinas para la ansiedad?
(Have you ever taken medications for anxiety?) | SI | NO |
| 14. ¿Alguna vez ha tomado medicinas para tratar la esquizofrenia?
(Have you ever taken medicines to treat schizophrenia?) | SI | NO |
| 15. ¿Está Usted preocupado por el bienestar físico/emocional de sus hijos?
(Are you concern about your children's physical/emotional wellbeing?) | SI | NO |

Si Ud. tiene actualmente un terapeuta y/o psiquiatra, por favor dénos la siguiente información
(If you currently have a therapist and/or psychiatrist, please provide us with the following information)

	Nombre	Teléfono	Próxima cita (next appt)
Psiquiatra (Psychiatrist)	_____	_____	_____
Terapeuta (Therapist)	_____	_____	_____

Gracias!!

<p style="text-align: center;">MONTGOMERY COUNTY CHILD WELFARE SERVICES</p> <p style="text-align: center;">STANDARD OPERATING POLICIES AND PROCEDURES</p>

Subject: Policy on Translation/Interpretation
Policy #: 03 – 03

Effective: March 2003
Sunset: March 2006

I. PURPOSE:

Child Welfare Services believes that service to clients must be provided in a culturally competent manner and that an important aspect of culturally competent best practice is to address the communication needs of all clients.

II. POLICY:

The policy of Child Welfare Services is that all clients will receive services from the department without regard to their fluency in English and that we will provide assistance for any client who has special communication needs. These services may include, but are not limited to translation through bilingual staff, contractors, volunteers, or other translation resources and/or the use of mechanical devices to meet communication needs. Staff should not ask the client's family members or friends to act as interpreters.

III. PROCEDURE:

A. Staff List

There are a number of resources available to staff to assist clients who need translation or other forms of communication assistance. Child Welfare has staff members who are fluent in languages other than English. A list of these is attached to this policy.

B. Language Bank Volunteers

There is also a directory on the Montgomery County Website (see directions attached) called the Language Bank; each employee can access this information from their desktop PC.

The list can be accessed on line: Go to the Montgomery County Web site (This is the icon on the bottom of your screen with the internet explorer "e", not the icon that says DHHS intranet, which also has the "e".) Click on Volunteers, click on Volunteer Center, click on Language Bank.

The Volunteer Center maintains this list. Worker selects the volunteer to contact from the list. When the worker is selecting the volunteer, they should consider the times the volunteer is able to be contacted and the comments about the volunteer.

When ready to speak to the client, phone the Language Bank Interpreter.

1. If the Interpreter is available, explain the situation and ask the Interpreter to stay on the line.
2. Press the CONF button

3. Call the client
4. Press CONF again
5. Begin the three-way conversation
6. Fill out and fax in the Language Bank Tracking Sheet

C. AT&T Telephone Language Interpretation
(Through contract managed by Accountability and Customer Services)

Receiving a call from a non-English speaking client:

1. Press Conf (Conference) to place the non-English speaker on hold
2. Dial 1-800-874-9426
3. Give required information:
 - Language needed
 - Client ID#: 530044
 - Organization Name: Montgomery County Health & Human Services
 - Personal Code 6440-04
4. Press Conf to add non-English speaker to line
5. Wait for answer point to conference in the interpreter
6. Brief the interpreter
7. Say "end of call" to the interpreter when the call is completed

Calling a non-English Speaking Client:

1. Dial 1-800-874-9426. If an interpreter is available, explain the situation and ask the interpreter to stay on the line
2. Press Conf (Conference) button
3. Call the client
4. Press Conf again to add interpreter to the line
5. Begin the three-way conversation

D. Direct Interpreter Services for Clients Receiving State-Funded Services
(Medical Assistance, Food Stamps, Child Protective Services, Adult Abuse/Neglect, Child and Adult Foster Care)

1. Call Susie Houston at 7-1098. Four days notice is preferred.
2. Give Information:
 - Client name
 - Address
 - Reason for the visit (to determine the interpreter)
 - Date and time of visit
 - Special requests (e.g., meet the worker outside of the home)

The visit is paid for by DHR (Maryland Department of Human Resources) funds. Bills for these services are sent to Susie Houston by the provider. The bill will be forwarded to the worker who requested the service. The worker and supervisor review the bill and sign off on it then return the bill to Ms. Houston for payment.

If an interpreter is required on a regular basis, other DHHS funding sources must be considered. Clients do not pay for interpreter services unless the Court has ordered them to do so.

E. Obtaining a Sign Language Interpreter: Sign Language Associates Inc.
(Through a contract managed by Aging and Disability Services)

1. Call Aging & Disability at 7-4626 (Michelle Kirkpatrick)
2. Give the case information:
 - Date and location
 - Number of hours needed
 - Name of caller
 - Name of Department
 - Service Area-program
 - Index code and sub-object code
3. An authorization number will be issued, starting with MC-00
4. Call SLA at 301-946-9710 with the MC number to make arrangements for an interpreter
5. Prepare SLA Interpreting Services Request form and fax it to SLA at 301-946-9685.

In emergencies after normal office hours (8:30 – 5:00) call SLA directly (301-946-9710). The MC number must be obtained and phoned in the next business day.

F. Use of TTY, Maryland Relay, and Written Notes

Each Child Welfare Services office has a TTY number. TTY is a telecommunication device (Teletypewriter) for people who cannot use telephone services due to hearing or speech impairments. Typed messages are transmitted directly between two TTY's via a telephone line.

Central Office

1301 Piccard Drive, 4th Floor
Rockville, MD 20850
Phone: 240-777-3500
TTY: 240-777-3556

Germantown Center

12900 Middlebrook Road, 2nd Floor
Germantown, MD 20874
Phone: 240-777-3346
TTY: 240-777-8002

Juvenile Assessment Center

7300 Calhoun Place, Suite 400
Rockville, MD 20855
Phone: 240-777-3409
TTY: 240-777-3560

Silver Spring Center

8630 Fenton Street, 10th Floor
Silver Spring, MD 20910
Phone: 240-777-1438
TTY: 240-777-4320

Maryland Relay

Staff can use the Maryland Relay Service for telephone communication to those with hearing or speech impediments who have a TTY machine in their home or office. The Relay Service converts your voice message into a

message readable on the client's TTY. The Relay number is 1-800-735-2258. There is no cost for this service.

Written Notes

Staff may communicate via notes with clients who have a hearing loss or who have difficulty communicating verbally. Some persons with hearing impairments may also lip read, and staff should always face them when speaking.

It is of primary importance to assure that every client receiving services is able to understand and communicate with their worker and through them with the Department. It is the responsibility of the Department to facilitate this process and make sure that no one is denied service or receives an inadequate service due to language or other communication barriers.

IV. RESPONSIBILITY:

All staff members are responsible for adherence to this policy.

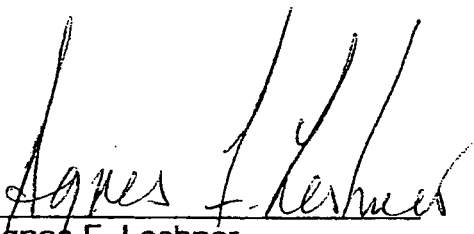
V. REFERENCES:

Americans with Disabilities Act (ADA) Public Law 101-336

VI. ATTACHMENTS:

Attachment A: "Child Welfare Services, In-House Language and Cultural Resources"

Signed


Agnes F. Leshner
Director, Child Welfare Services

Date

3/03

Conference at a Glance:

Cultural Competence Spring Conference May 21, 2003 – University of MD Shady Grove

8:30-9:00	Breakfast & Registration
9:00-9:15	Welcome Address Agnes Leshner
9:15-10:15	Keynote Address “Communication Patterns: Working Together” Sylvia Lafair, Creative Energy Options
10:30-12:00	<u>Morning Workshops</u>
	A. Issues of Latinos Acculturation <ul style="list-style-type: none"> • Viviana Azar, MS-Multicultural Center
	B. Neurolinguistic Practice <ul style="list-style-type: none"> • Dr. Frederick Phillips, Progressive Life, Inc.
	C. Practice Issues <ul style="list-style-type: none"> • Richard Norman, Martin Pollack
	D. The Culture of Addiction <ul style="list-style-type: none"> • Dr. Catherine McAlpine, Addiction Services Coordination
	E. The Impact of Poverty on Culture <ul style="list-style-type: none"> • Dr. Sheryl Brissett-Chapman, National Center for Children and Families
12:00-1:30	Luncheon Keynote Speaker: Dr. Aminifu Harvey
1:30-3:00	<u>Afternoon Workshops</u>
	F. Issues of Latinos Acculturation <ul style="list-style-type: none"> • Viviana Azar, MS-Multicultural Center
	G. Neurolinguistic Practice <ul style="list-style-type: none"> • Dr. Frederick Phillips, Progressive Life, Inc.
	H. Practice Issues <ul style="list-style-type: none"> • Richard Norman, Martin Pollack
	I. The Culture of Addiction <ul style="list-style-type: none"> • Dr. Catherine McAlpine, Addiction Services Coordination
	J. The Impact of Poverty on Culture <ul style="list-style-type: none"> • Dr. Sheryl Brissett-Chapman, National Center for Children and Families
3:00-3:45	Large Group Discussion Winifred Wilson
3:45-4:00	Conclusion and Dismissal

WORKSHOP SUMMARIES

Classroom 1042

Workshop A & F Issues of Latino Acculturation

This workshop will begin exploring the various reasons for immigration and describe the various immigration statuses in the United States. A profile outlining characteristics of Latino families will be presented. The workshop will then investigate the factors affecting the mental health status of immigrants and the changes in the family structure as a result of immigration. There are clear barrier to services for immigrants and their families. The workshop will uncover these and discuss strategies for addressing these. The workshop will discuss clinical implications for practice with immigrant families and outline successful treatment frameworks specifically: Individual Psychotherapy, Family Systems/ MECA Model and Attachment Theory.

Classroom 2032

Workshop B & G Neurolinguistic Practice II

NLP and Effective Communications

Using the concepts of Neurolinguistic Programming as a point of departure, this workshop will help the participants to “read” other people more sensitively and respond to them more effectively. We will discuss the process of how a person takes in sensory impressions, mentally organizes them in cognitive processes like memory and decision-making, and then translates the sequence into a response. The workshop will allow the participant to utilize these principles in their personal and professional lives.

Classroom 2042

Workshop C & H Practice Issues

“Using the experience of diversity Dilemma to improve cross cultural practice effectiveness”

“It’s not that I am afraid to die, it’s just that I don’t want to be there when it happens.” – Woody Allen.

Experiencing difference as a person in the service delivery role can evoke powerful and even frightening psychological responses. As a private person you have no obligation to assess these responses. However human service workers are obligated to self assess in this area to lower barriers and open opportunities for improving effectiveness in practice with diverse clientele.

This workshop will speak from a “person in situation” and ecological perspective. Participants will be invited to examine the link between what we are, what we think and what we do in the personal confrontation with difference. We will discuss our history as a society in which difference has been a challenge to majority identity. A thought experiment and volunteer experiment will be

used to establish references, metaphorical and/or concrete depending on individual background, for personalizing reactions to difference.

Faced with the demands on the self in the pursuit of effective cross-cultural service delivery basic conceptual tools can be very important. The conceptual tool of dilemma will be presented as a device to clarify your immediate experience for heightened learning and effectiveness.

Classroom 3032

Workshop D & I The Culture of Addiction

“Substance Abuse Services for Women: Presentation on Culture of Addiction”

“This workshop will address concepts of cultures, social norms and deviance as related to human behavior and substance abuse disorders. Culture is an anthropological concept to describe a set of attitudes, behaviors and thought processes that are generally shared by a group of individual who are linked as a community or society. Do substance abusers as a group meet the standard to be defined as a culture? How do human service professionals understand this group and intervene when values and beliefs differ from community norms? And, how do we combine this intervention with knowledge of addictive disorders and treatment that require bio-psycho-social approaches? Let’s talk – I hope we’ll have a lively discussion.” – Catherine McAlpine, Ph.D., LCSW-C

Classroom 3042

Workshop F & J The Impact of Poverty on Culture

Dr. Chapman will present a conceptual framework for addressing the insidious assaults of poverty on healthy child and family well being, as well as the manifestation of resulting social pathologies, which frequently are transformed into stereotypes of minority groups. Utilizing case vignettes, she will facilitate an interactive workshop which will examine the challenges inherent in differentiating “poverty culture” and related family adaptations, from indigenous and normative culture within families served within the child welfare system. Controversies such as multiple fathers (or mothers) in family systems, materialism versus educational investments, the parental reliance on physical control and corporal discipline, emotional neglect and level of child supervision, welfare dependency and perceived entitlements to social supports, normalization of “underground economy” and violent crime, and the lack of effective caregiver involvement in the workforce, all confound the worker’s ability to conduct accurate and timely assessments. Dr. Chapman will conclude this session by addressing both organizational and individual professional biases which become significant barriers to ethical and effective practice within the child welfare field.

Resolution No:	<u>15-558</u>
Introduced:	<u>March 30, 2004</u>
Adopted:	<u>March 30, 2004</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Education Committee

SUBJECT: Adult ESL Task Force Report Findings and Recommendations: A Strategic Action Plan

Background

1. Programs to teach English to non-English speakers are referred to as English as a Second Language (ESL) and also as English for Speakers of Other Languages (ESOL). For FY03, the Council approved \$50,000 for the College to study such programs in the county to determine how services could be improved. The College contracted with the Center for Applied Linguistics (CAL) to prepare the report. CAL completed the report in April 2003, and the Council released it at a press conference on April 15, 2003. On June 19, 2003, College staff briefed the Education Committee on the report.
2. CAL identified a number of improvements to our adult ESL service delivery system, some of which could be done soon at no or low cost, but others that would take more time and cost more. To begin implementing the smaller improvements, the College, on behalf of the Task Force in October 2003 requested a special appropriation in the amount of \$41,000 in FY 04 to implement some of the initial steps, such as “a professional development institute for ESL instructors, a TESOL program standards workshop, an expanded database and directory of ESL providers in the county, and promotional activities that communicate the availability of these services to community members.” On December 9, 2003, the Council approved the special appropriation. The Task Force expressed its hope that additional funding will be included in the FY05 budget. Montgomery College will continue to administer the spending of these funds until a new fiscal agent is determined.
3. In April 2003, then Council President Subin appointed Councilmember Tom Perez to chair the Adult ESL Task Force. The Task Force worked with service providers and community stakeholders to develop a strategic action plan to improve the current system of delivery. The mission of the Task Force was to devise a system to increase the quantity and quality of Adult ESL services, and to ensure that programs are closely tied to the workforce development needs in the county.

4. Task Force members and community stakeholders identified a number of issues of concern:
1) the shortage of existing programs; 2) barriers to existing programs such as childcare, transportation, and other poverty-related obstacles; 3) insufficient connections between business community and those implementing Adult ESL programs; 4) a shortage of Adult ESL teachers and volunteers; 5) a scattered and diffuse system of Adult ESL delivery; 6) a lack of accountability systems to ensure quality of programs and services; 7) a lack of sufficient coordination and collaboration between the various service providers in the county; and 8) Adult ESL programs that do not always take into account the low-literacy levels of participants in their native language.
5. Since April 2003, the Task Force has worked with a broad and diverse group of community stakeholders from MCPS, Montgomery College, community based and faith-based organizations, the Literacy Council, Montgomery County Public Libraries, business leaders, community activists, and other interested parties to develop a strategic action plan.
6. On March 11, 2004, the Councilmember and Chair of the Task Force Perez and other members of the Task Force briefed the Education Committee on their findings and recommendations.
7. The Task Force identified three overarching goals of Adult ESL programs in Montgomery County which include: 1) supporting immigrants in becoming economically self-sufficient by preparing them with the language, knowledge, and technical skills they need to access and retain jobs that improve their quality of life; 2) supporting immigrants in becoming life-long learners and actively engaged in civic life; and 3) addressing the workforce development needs of Montgomery County businesses.
8. The Task Force recommended that the County Council facilitate the creation of a stand alone nonprofit organization to leverage private and public monies for Adult ESL providers; coordinate coalition and advocacy activities of providers and the stakeholders; and assist providers in building capacity to increase and deliver high quality services.
9. The Task Force recommended that Montgomery College assume a leadership role in collaborating with providers and community stakeholders to address issues of accountability in county-funded Adult ESL programs.

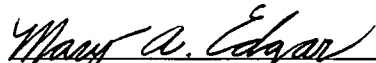
Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council endorses the creation of a nonprofit entity that would leverage private and public monies to enhance the capacity of Adult ESL providers in the county.

The County Council calls on the Board of Education and the Board of Trustees of Montgomery College to adopt the concepts in the Adult ESL Task Force report and this resolution. The County Council urges these entities to closely examine and strengthen their Adult ESL programs.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Clerk of the Council

ADULT ESL TASK FORCE FINDINGS & RECOMMENDATIONS

**CHAIR, COUNCIL VICE PRESIDENT TOM PEREZ
MONTGOMERY COUNTY COUNCIL
MONTGOMERY COUNTY, MARYLAND**

MARCH 11, 2004

I. BACKGROUND OF THE ADULT ESL TASK FORCE

In 2002, Councilmembers Mike Subin, Marilyn Praisner, and Blair Ewing commissioned a study to closely examine the current system of Adult ESL programs in Montgomery County. In response to the Council's request, Montgomery College contracted with the Center for Applied Linguistics to conduct the study. For approximately six months, Montgomery College and MCPS collaborated with CAL to convene numerous focus groups, interview participants, and involve community stakeholders in reviewing existing Adult ESL programs in the county. CAL also reviewed course offerings of the major service providers and conducted course observations.

Upon the completion of the study in April of 2003, Council President Mike Subin appointed Councilmember Tom Perez to Chair the Adult ESL Task Force and work with service providers and community stakeholders to develop a strategic action plan for improving the current system of delivery. In short, the mission of the Task Force is to devise a system to increase the quantity and quality of Adult ESL services, and to ensure that programs are closely tied to the workforce development needs in the county. Since April, Councilmember Tom Perez has worked with a broad and diverse group of community stakeholders from MCPS, Montgomery College, community based and faith-based organizations, the Literacy Council, Montgomery County Public Libraries, business leaders, community activists, and other interested parties to develop a strategic action plan.

Key Issues in Adult ESL/ESOL

Our rapidly changing demographics and local workforce needs call for a revamped system of Adult ESL delivery to address the language and economic circumstances of Montgomery County's newest residents. According to the 2000 Census, there are approximately 105,000 residents in our county who report speaking English "less than very well," and our immigrant population continues to grow. Most importantly, given our competitive economy, it is imperative that our newest residents have the language, knowledge, and technical skills they need to access and retain jobs that improve their quality of life.

While Montgomery County's current system of Adult ESL delivery has served many LEP (Limited English Proficient) residents in the county, it is a diffuse system in which demand for Adult ESL programs clearly exceeds the supply. Currently the total number of residents served annually is approximately 23,800. The county's largest Adult ESL providers include:

- Montgomery College (8,000 students);
- Montgomery County Public Schools (10,000 students);
- CASA of Maryland (3,100 students);
- Literacy Council of Montgomery County (1,100 students); and
- Other nonprofits and faith-based programs (1,500 students).

According to feedback from numerous providers, however, there are at least 2,000 people on the waiting lists annually in various county programs. More importantly, we believe that these numbers do not accurately reflect the actual number of residents who are in need of Adult ESL instruction. In fact, the need for services is probably much greater.

The stakeholders and English Language learners who participated in the study conducted by the Center for Applied Linguistics and Montgomery College also raised the following concerns:

- **Shortage of existing programs;**
- **Barriers to existing programs such as childcare, transportation, etc.;**
- **Insufficient connections between business community and those implementing Adult ESL programs;**

- **Shortage of Adult ESL teachers and volunteers;**
- **Scattered and diffuse system of Adult ESL delivery;**
- **Lack of accountability system to ensure quality of programs and services;**
- **Lack of sufficient coordination and collaboration between the various service providers in the county; and**
- **Adult ESL programs do not always take into account the low-literacy levels of participants in their native language.**

II. TASK FORCE CHARGE AND PROCESS

The Montgomery County Council charged the Adult ESL Task Force with bringing together community stakeholders to develop a blueprint/strategic action plan for expanding the quantity and ensuring the quality of Adult ESL service delivery in Montgomery County. More specifically, as a follow-up to the report produced by the Center for Applied Linguistics, Montgomery College, and MCPS, the Task Force was also charged with further investigating strategies to address the following four areas: 1) Increasing Access and Capacity; 2) Improving Instructional Quality; 3) Improving Program Designs; and 4) Increasing Advocacy and Coordination. Since April of 2003, the task force has met every four to six weeks to develop its strategic action plan.

Councilmember Tom Perez and the Task Force have included a broad and diverse group of community stakeholders in the process. Representatives from MCPS, Montgomery College, linguistic minority groups, business leaders, community-based organizations, Montgomery County Business Roundtable, faith-based community organizations, and other interested parties have actively participated in Task Force discussions. In addition, Councilmember Tom Perez has convened smaller meetings and consulted with other elected officials, representatives from foundations, union representatives and others. The recommendations outlined in this report were informed by the work of the Adult ESL Task Force and subsequent meetings with community stakeholders.

SINCE APRIL OF 2003, THE ADULT ESL TASK FORCE HAS DONE THE FOLLOWING:

- **Convened meetings with service providers, community stakeholders, and other elected officials to discuss various aspects of a strategic action plan;**
- **Discussed potential models for Montgomery County;**
- **Convened subcommittee meetings on four areas of investigation and identified action steps;**
- **Administered a survey to businesses in Montgomery County to identify their English language training needs;**
- **Hosted a literacy breakfast for Adult ESL service providers to learn about literacy coalitions around the country;**
- **Organized a visit from a national literacy consultant representing the National Alliance of Urban Literacy Coalitions (NAULC) who provided technical assistance to the Task Force;**
- **Convened meetings with members of the business community, foundation representatives, and other interested parties;**

- Convened meetings with labor union representatives to identify best practices in workplace literacy; and
- Initiated the implementation of first action steps with a supplemental appropriation of \$41,000 from the County Council to: create an Adult ESL service provider directory; organize a professional development institute; coordinate a standards workshop; and develop a volunteer handbook.

III. GOALS OF ADULT ESL PROGRAMS IN MONTGOMERY COUNTY, MARYLAND

After much deliberation, the Task Force and other stakeholders identified a series of goals and objectives for Adult ESL programs in Montgomery County. They include the following:

GOALS: The Task Force identified three overarching goals that would inform and guide decision-making in the Adult ESL context:

- Support immigrants in becoming economically self-sufficient;
- Support immigrants in becoming life-long learners and actively engaged in civic life; and
- Address the workforce development needs of Montgomery County businesses.

OBJECTIVES: The Task Force identified objectives that when accomplished, will enable us to achieve the three goals:

- Increase the number of Adult ESL programs offered in the county;
- Develop an advocacy program to increase resources for Adult ESL;
- Develop ESL programs in close collaboration with area businesses and labor unions to assist immigrants in accessing and retaining better paying and more highly skilled jobs;
- Develop technical assistance capacity to assist businesses, service providers, and labor unions;
- Develop a community education campaign to promote literacy, English language development, and citizenship for LEP (Limited English Proficient) adults and children;
- Develop a plan to address the barriers that preclude immigrants from accessing English Language programs such as transportation, childcare, low-literacy levels in native language, work schedules, and lack of proximity to a provider;
- Establish accountability systems and outcomes to ensure quality of programs and services;
- Formalize and strengthen the existing coalition of Adult ESL providers and stakeholders in the county; and
- Establish formal linkages with organizations addressing Adult ESL and adult literacy issues nationally.

The Adult ESL Task Force felt strongly that our system of delivery should clearly identify the various levels of ESL that are offered in the county and that this process be part of a larger strategy to develop career paths and skills sets that lead to job mobility and higher education for immigrants. Based on our conversations with various stakeholders, we know that there are a significant number of immigrants in Montgomery County in the healthcare, construction, and service sectors that could access better paying jobs if they acquired more proficiency in English, developed other skill sets, or acquired a GED or higher degree.

Outcome Measures: The Task Force agreed that it is critical to identify outcome measures for this initiative at the beginning of the process. It was suggested that these outcomes be identified during the planning phase and be monitored closely during the implementation phase. Some examples of outcome measures might

include: examining the number of Adult English language learners that have completed and graduated from one level of proficiency to the next or creating a network for collecting and evaluating data and statistics on the progress of adult English language learners in the county.

IV. THE HUB & SPOKES MODEL

Given the importance of expanding resources and the county's fiscal constraints, it is vitally important to build a structure that maximizes the potential to leverage private resources. With this in mind, the Task Force spent considerable time developing a model that would achieve the goals and objectives outlined above. From our experience with other county programs, we know that most area foundations dedicate their resources to stand alone nonprofit organizations that are successful in bringing together all of the stakeholders in the community to address a critical issue in an innovative and strategic way. In the area of healthcare, for example, the Primary Care Coalition has been able to leverage more than \$2 million dollars in outside sources by virtue of its nonprofit status, the valuable work of its healthcare providers, and the coalition's ability to bring together all of the nonprofit healthcare providers. For these reasons, creating a separate non-profit organization to leverage resources for Adult ESL providers in the county is an appealing prospect.

Adult ESL Task Force members researched various models of service delivery both locally and nationally. Councilmember Tom Perez and Rosa García visited Carlos Rosario Center in Washington D.C. and invited Steve Galen, Executive Director of the Primary Care Coalition (PCC) to describe PCC's model; Clarice Somersall of Montgomery College presented exemplary models based primarily in community colleges; Sissy Kegley, a local expert on Adult Education, introduced the concept of literacy coalitions to the Task Force; and Rosa García visited the Literacy Network of Greater Los Angeles.

Task Force members underscored the need to increase the capacity of Adult ESL service delivery across the county. As the demographics of the county continue to change, it is essential that the county have a service delivery model in place that can address the increasing demand for services in as many neighborhoods as possible.

COMPONENTS OF THE HUB & SPOKES MODEL

➤ **The Nonprofit Entity:** The Task Force and community stakeholders will assist in establishing a separate non-profit organization to perform a wide variety of tasks designed to increase the quantity and quality of Adult ESL services in Montgomery County. The organization would offer training; technical assistance; connect teachers and curricula to businesses and other providers that request on-site job related English language instruction; assume a leadership role in advocacy, coordination, and fundraising activities; refer immigrants seeking information on English as a Second Language programs and social services to appropriate agencies in the county and; be a clearing house for research and best practices in the field. A central part of the organization's work would focus on increasing the quantity and quality of services in vocational English language programs carefully crafted to prepare our residents for jobs in various sectors of the economy.

This entity would not provide direct services; its primary role would be to support the work of service providers and assist them in building capacity, and make the pie bigger for everyone by aggressively searching out grants and other sources of financial assistance. The organization's board of directors would come from and be representative of the diverse coalition of existing providers and stakeholders. It would include representatives from MCPS, Montgomery College, community and faith-based organizations, business leaders, activists, county government, labor unions, and other community stakeholders.

Literacy Coalition: In many jurisdictions around the country, service providers are forming literacy coalitions to better coordinate and leverage resources and be more effective advocates for their programs. In Montgomery County, the nonprofit would lead or head the literacy coalition. The membership of the coalition would include but not be limited to the board members of the nonprofit.

➤ **Hubs:** The newly created nonprofit would assist in the effort to create two primary hubs or sites: a down county hub and an up county hub where training, technical assistance, and coordination of activities would occur. The hubs would especially play a key role in connecting adult language learners to providers and other social services in the county. The provision of services, however, would continue to take place primarily in communities and locations throughout the county. The hubs would support and enhance the capacity of service providers or satellites through a range of activities.

Scope of Activities: The organization would carry out the following activities:

- Provide training and technical assistance to Adult ESL providers in the county;
- Leverage resources for Adult ESL providers in the county;
- Connect Montgomery county businesses with customized ESL curricula, teachers, and technical assistance to implement on-site ESL training;
- Provide professional development and resources to both paid and unpaid teachers;
- Collaborate with area unions to identify and expand the number of workplace literacy programs;
- Lead advocacy efforts for Adult ESL providers at the local, state, and federal level;
- Organize literacy coalition activities and establish linkages with organizations addressing literacy issues at the local and national level;
- Assist providers in identifying space to conduct ESL courses;
- Assist providers in the recruitment of paid and volunteer teachers;
- Coordinate and develop the capacity to provide childcare/early childhood education in Adult ESL programs across the county;
- Serve as a referral and guidance center for learners seeking access to countywide Adult ESL instructional services and other social services in the county;
- Support and collaborate with providers to establish accountability systems to ensure quality of programs and services;
- Collaborate with providers to design an evaluation for the service delivery model;
- Serve as a demonstration site for research-based practices;
- Form linkages with regional and national TESOL associations;

- Serve as a clearinghouse for best practices of Adult ESL delivery; and
- Implement recommendations outlined in Task Force subcommittee reports.

V. GOVERNMENT ACCOUNTABILITY & FUNDING

Government Accountability: A critical question that needs to be addressed is who is the point person in government that is accountable in Adult ESL? When the County Council, for instance, has a question about how Adult ESL is functioning, who will be called? The logical possibilities are MCPS or Montgomery College. Given the College's critical role in workforce development and adult education, it seems logical that the College would be the primary government point of contact. This does not mean that MCPS would not continue to play a critical role. Classes will continue to meet during the day at the Connecticut Park Center (MCPS) until January 2005 at which time renovations will begin to transform the building into an elementary school. Use of facilities for evening classes will continue to be coordinated through the Interagency Coordinating Board (ICB). Grant sources will continue to be available to fund these services.

Funding:

- **Planning Phase:** To move this project forward in 2004, the planning process would require an immediate grant ranging from \$50k to \$100k to cover the cost of staff and materials.
- **Implementation Phase:** At one point, there was a preliminary proposal to establish an Adult ESL center in Wheaton. Operational costs for that center were estimated to have been approximately \$2.7 million per year. At this point, however, we do not know exactly how much money will be needed to accomplish our goals. This issue will be addressed in the planning phase. What is the county's commitment to this project in the long-term? What commitment can we get from the private sector?

VI. PROJECT TIMELINE

The Task Force envisions two phases for the development and implementation of a new system of delivery. The first phase consists of a one-year planning process and the establishment of the nonprofit organization. The second phase consists of a five-year implementation process.

PHASE ONE/PLANNING: 2004-2005

- ✓ Form board of directors for non-profit entity
- ✓ Formally establish the non-profit entity
- ✓ Conduct an analysis of potential funding streams
- ✓ Obtain funding for planning phase
- ✓ Create 5-year work plan
- ✓ Create fundraising plan
- ✓ Organize literacy coalition meetings
- ✓ Create a plan to increase the number of Adult ESL programs in the county
- ✓ Develop infrastructure for professional development and technical assistance program
- ✓ Identify best practices in workplace literacy
- ✓ Create plan to promote literacy, English language development, and citizenship

- ✓ Create a plan to establish accountability systems
- ✓ Create advocacy plan
- ✓ Develop a plan to address barriers that preclude access to services
- ✓ Create a plan to address childcare issues
- ✓ Hire Executive Director and core staff
- ✓ Expand participation of community stakeholders

PHASE TWO/IMPLEMENTATION: 2005-2010

- ✓ Implement 5-year work plan
- ✓ Implement fundraising plan
- ✓ Implement plan to increase the number of Adult ESL programs in the County
- ✓ Develop a system for on-going training and professional development
- ✓ Implement technical assistance program to businesses, service providers, and labor unions
- ✓ Develop accountability systems to ensure quality of programs and services
- ✓ Implement advocacy plan
- ✓ Implement plan to address barriers that preclude access to services
- ✓ Implement a plan for providing childcare across programs
- ✓ Develop and implement evaluation system in close collaboration with service providers
- ✓ Establish formal linkages with organizations addressing Adult ESL and literacy issues nationally

VII. REMAINING ISSUES FOR COUNTY COUNCIL CONSIDERATION

The Task Force has made considerable progress, but several questions remain unanswered. The Task Force continues to work through the following issues:

1. During our Task Force discussions, some providers were concerned that the creation of a new non-profit would adversely affect their fundraising and programmatic activities. What are the pros and cons of developing this new entity? How much of the monies raised for this project would go towards administration? How much would go directly to service providers?
2. In other parts of the country, literacy coalitions are addressing the needs of all adult education programs in their jurisdictions and are not limited to adult English language learners. Should the county consider the inclusion of GED and other adult education programs into this project? What are the benefits? What are the drawbacks?
3. If the County Council agrees to move forward with the nonprofit, where would this entity be housed?
4. Some nonprofit organizations have used public facilities to conduct Adult ESL courses but can no longer afford the high cost of user fees. How do we continue to build capacity in neighborhoods and support the work of nonprofit service providers that conduct ESL in public facilities given the cost of user fees?
5. Are there some innovative ways to fund this project? What are the possibilities for using workforce development funds for this project? Are there any state monies that could be dedicated to this project?

VIII. CONCLUSION:

There has been great participation and involvement in this project from a wide range of community stakeholders. In November, Margaret Doughty, an outside expert in the field of adult education, came to Montgomery County and spent three days speaking with a number of community stakeholders about their needs and thoughts of the project. Ms. Doughty was especially impressed with the great work of the Task Force and indicated that it is clearly on the right track. However, 2004 is a seminal year. We cannot reach the next level without restructuring of what we do and how we do it.

IX. APPENDIX: SUBCOMMITTEE RECOMMENDATIONS

As a follow-up to the study that was conducted by the Center for Applied Linguistics and Montgomery College, the Adult ESL Task Force established subcommittees to further examine the issues of: Increasing Access and Capacity; 2) Improving Quality Instruction; 3) Improving Program Designs; and 4) Advocacy and Coordination. The four subcommittees identified goals and action steps for each area.

A. SUBCOMMITTEE ON INCREASING ACCESS AND CAPACITY

Charge: Explore ways to serve greater numbers of adults within Montgomery County needing English as a Second Language and literacy instruction. Explore a variety of class scheduling and modes of instructional delivery.

Goals:

- Leverage resources to increase the number of courses
- Increase the number of courses offered across the county
- Increase the number of types of courses tailored to restaurants, businesses, and night programs
- Increase the levels of courses
- Accommodate the changing survival needs of learners and families
- Provide childcare/early childhood for Adult ESL programs
- Increase resources such as space and human resources to hold classes
- Increase awareness of where services are offered

Action Steps:

- Offer more courses at night/day during the day
- Establish a master calendar for all Adult ESL providers
- Create educational plans and strategies to accommodate changing needs of learners
- Identify daytime spaces for Adult ESL classes
- Explore childcare/early childhood models and licensing costs
- Ask faith-based community to donate classroom space
- Identify companies that may be willing to donate space
- Strengthen information/advising and referral network
- Train agencies/providers on social services offered in the county

B. SUBCOMMITTEE ON IMPROVING QUALITY INSTRUCTION

Charge: Create professional development for both credentialed and non-credentialed ESL instructors throughout Montgomery County. Assist programs in developing evaluation systems to ensure quality instructional delivery as well as professional development plans.

Goals:

- Institutionalize the profession of Adult ESL in Montgomery County
- Increase the pool of Adult ESL teachers in the county
- Increase resources such as materials, consultants, and monies for professional development
- Establish a comprehensive plan for on-going professional development to support Adult ESL providers in the county

Action Steps:

- Create a training program on basic techniques for getting started
- Explore a resource for evaluating instruction
- Articulate educational philosophies in various programs
- Promote supportive partnerships among teachers
- Create mechanisms for on-going professional development to meet needs of the teachers at various levels of development
- Increase the number of “qualified” volunteers and tutors
- Fund full-time Adult ESL positions across programs
- Establish stronger linkages between policy advocates and practitioners/teachers, staff, experts in government relations
- Provide incentives to instructors to become engaged in public policies that govern their programs
- Identify and promote principles of good teaching
- Establish mechanisms to promote reflective teaching to encourage teacher growth and development, such as having teaching partners or sharing journals

C. SUBCOMMITTEE ON IMPROVING PROGRAM DESIGNS

Charge: Explore ways to enhance program designs based on principles of second language acquisition and adult learning to better meet the learning needs of adult ESL population within Montgomery County. Assist programs in using needs assessment in curriculum design and in creating assessment systems to evaluate learning outcomes. Study TESOL evaluation systems to ensure quality instructional delivery as well as professional development plans.

Goals:

- Assist programs in identifying their program needs
- Provide resources such as people, space, to implement strategic plans
- Expand program design models to include other approaches that currently do not exist

Action Steps:

- Develop an outreach plan to communicate program design/resources

- Identify programs that need or want assistance in developing curricula
- Organize a TESOL standards workshop
- Establish program assistance mechanism to assist organizations in initial and on-going program development
- Develop program design models that take into account low literacy levels of adult English language learners
- Create a toolkit to help programs to assess student needs prior to instruction
- Create a toolkit to help programs to evaluate student progress and achievement
- Establish program assistance mechanism to assist organizations in initial and on-going program development
- Expand programs in workplace literacy
- Expand programs family literacy
- Create handbook to expand volunteer programs
- Create educational packets on funding streams in this area
- Identify and train a cadre of volunteers for apartment complexes
- Explore use of web-based instructional activities and strategies

D. SUBCOMMITTEE ON ADVOCACY AND COORDINATION

Charge: Establish structure and tools to increase collaboration and advocacy among ESL service providers and help learners to access programs and services which meet their individual needs. Disseminate information about adult language and literacy acquisition. Explore the development of an ESL center or centers which could serve as a clearinghouse to support program professional development, program design, and collaboration among service providers. Research literacy coalitions and service delivery models in other localities.

Goals:

- Create an entity that will institutionalize the work of area ESL providers
- Develop a fundraising plan to leverage resources for newly-created entity and service providers
- Develop an advocacy plan to maximize Adult ESL resources

Action Steps:

- Create a directory of service providers
- One page info sheet on English language acquisition
- Develop a chart outlining the instructional levels offered by ESL providers throughout the county
- Develop a graphic organizer to identify current levels offered by providers
- Investigate and understand the legal implications of incorporating a 501c (3)
- Broaden the participation of community stakeholders
- Partner with social service agencies
- Identify funding streams in all areas
- Ensure that the process for establishing the new entity is transparent and inclusive
- Identify key advocacy targets at local, state, and national level
- Identify expertise of various stakeholders

**CHAIR, COUNCILMEMBER TOM PEREZ
MONTGOMERY COUNTY ADULT ESL TASK FORCE**

ORGANIZATIONS AND REPRESENTATIVES

CARIBBEAN HELP CENTER
EVANS FAUSTIN

CASA DE MARYLAND
GUSTAVO TORRES
DARWIN BONILLA

CENTRO FAMILIA
NANCY NAVARRO
GERALDINE ORTIZ-SANTOS

CHINESE CULTURAL AND COMMUNITY CENTER
WAI-YEE CHAN, PH.D.
VIVIEN KAO

COMMUNITY MINISTRIES OF ROCKVILLE
CECILIA ROJAS
MERCEDES MOORE

DELEGATE SUSAN LEE

FAMILIES FOREMOST, MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY
YOLANDA PEREZ

GILCHRIST CENTER FOR CULTURAL DIVERSITY
ALEXANDRA TEAFF

HISPANIC ALLIANCE
FERNANDO CRUZ-VILLALBA

SISSY KEGLEY

LINKAGES TO LEARNING
VIVIAN YAO

LITERACY COUNCIL
PAM SAUSSY

MARYLAND VIETNAMESE MUTUAL ASSOCIATION
HOAN DANG
MIKE DO

MONTGOMERY COLLEGE
KAY AHMAD
SHERRIE CARROLL
LINDA JENNINGS
MOLLY LUNSFORD
SUSAN MADDEN
CLARICE SOMERSALL
CAROLINE THOMPSON

MONTGOMERY COUNTY BUSINESS ROUNDABLE
NGUYEN CHAU

MONTGOMERY COUNTY POLICE DEPARTMENT
JOHN CUNNINGHAM

MONTGOMERY COUNTY PUBLIC LIBRARIES
HARRIET HENDERSON

MONTGOMERY COUNTY PUBLIC SCHOOLS
SHEILA DOBBINS
DONNA KINERNEY
OCTAVIA SHAW
TUYET TRAN
EMMA WILSON
DR. CAREY WRIGHT
TERESA WRIGHT
MELISSA ZERVOS

LARRY PIGNONE

SPANISH CATHOLIC CENTER
ISABEL PARODIDE

**CONSULTED WITH OR CONVENED MEETINGS WITH THE FOLLOWING INDIVIDUALS TO
GET THEIR FEEDBACK ON THE TASK FORCE'S PROPOSAL:**

HUGH BAILEY, MONTGOMERY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT
KEN BAUER, WASHINGTON ADVENTIST HOSPITAL
LAURA CHENVEN, AFL-CIO WORKING FOR AMERICAN INSTITUTE
TERRI CLARK, LITERACY NETWORK OF GREATER LOS ANGELES
MARGARET DOUGHTY, NATIONAL ALLIANCE OF URBAN LITERACY COALITIONS
JOSÉ GONZALES, SPANISH EDUCATION DEVELOPMENT CENTER
GIGI GOODWIN, MONTGOMERY COUNTY CHAMBER OF COMMERCE
DELEGATE ANA SOL GUTIERREZ
TOM KAM, WASHINGTON AREA PARTNERSHIP FOR IMMIGRANTS
MICHAEL LIN, ASIAN AMERICAN POLITICAL ALLIANCE
CHARLES LYONS, THE GAZETTE
FRANCISCO MARAVILLA, CLARK CONSTRUCTION
RAQUEL MONTENEGRO, MARYLAND NATIONAL CAPITAL BUILDING INDUSTRY
DR. CHARLENE NUNLEY, MONTGOMERY COLLEGE
RICHARD PARSONS, MONTGOMERY COUNTY CHAMBER OF COMMERCE
DAVID PHILLIPS, LOCKHEED MARTIN
TOBI PRINCE-PLATNICK, WASHINGTON AREA PARTNERSHIP FOR IMMIGRANTS
WILLIAM ROBERTSON, ADVENTIST HEALTH CARE
SALLY RUDNEY, MONTGOMERY COUNTY COMMUNITY FOUNDATION
MARI SNYDER, MARRIOTT FOUNDATION
DR. JERRY WEAST, SUPERINTENDENT OF MONTGOMERY COUNTY PUBLIC SCHOOLS
KAREN WOODSON, MONTGOMERY COUNTY PUBLIC SCHOOLS
DEBORAH YANCER, SHADY GROVE ADVENTIST HOSPITAL

CONVERSATIONAL SPANISH

SESSIONS

Basic Level II

April 28, May 5, 12, 19, 26, June 2, 9, 16, 23 and 30, 2004

9:00 a.m. – 12:15 p.m.
class id #50226

Location: Up County

Continuing Education Units (CEU's)
CEUs Awarded - 3.0

Prerequisite – Basic Level I or equivalent

The main objective of the Beginning Conversational Spanish course is to assist employees in developing basic language skills to communicate more effectively with the County's Hispanic community. In order to accomplish this objective, the course will focus on developing speaking and listening skills through role plays and group interaction. This course will also provide employees an opportunity to develop a sense of confidence in a second language and to gain a greater awareness of cross cultural understanding.

TARGET AUDIENCE

All employees

FORMAT: Lecture, assessment instrument, interactive discussion, small group exercises, and videos.

INSTRUCTOR: Montgomery College, Office of Workforce Development and Continuing Education.

REGISTER: Call the Automated Training Line on 240-777-5122. Have the course ID number, your social security number, and your fax number ready when calling to register.

Source: Montgomery County, Office of Human Resources, FY 2004 Course training catalog

SURVIVAL SPANISH

SESSIONS

October 10, 17, 24, & 31, 2003
9:00 a.m. – 12:00 p.m.
course id #51003

Location: Up-County

Registration Deadline: 3/10/03

March 4, 11, 18, & 25, 2004
9:00 a.m. – 12:00 p.m.
course id #51004

Location: Rockville

Registration Deadline: 2/20/04

Continuing Education Units (CEU's)
CEUs Awarded - 1.2

Using an interactive approach, this intensive 12-hour course provides an elementary Spanish vocabulary to participants. Extensive practice of customized phrases and exercises are designed to enable the participants to exchange basic information with non-native speaking customers. A minimum of writing and pronunciation rules are included to help understand and be understood.

Upon completion of this course, the participants will be able to:

- Understand rudimentary questions and provide answers; and
- Pronounce words and phrases so as to be understood.

TARGET AUDIENCE

All employees

FORMAT: Interactive discussion, small group exercises, and case studies.

INSTRUCTOR: Montgomery College, Workforce Development and Continuing Education.

REGISTER: Call the Automated Training Line on 240-777-5122. Have the course ID number, your social security number, and your fax number ready when calling to register.

Source: Montgomery County, Office of Human Resources, FY 2004 Course training catalog

Source: Executive Branch, Office of Community Outreach

Community Outreach Forum

The Office of Community Outreach describes the Community Outreach Forum as follows:

One of the most important functions of the Office of Community Outreach focuses on the collaborative work across various County Departments and agencies. Beginning in 2003, the Office of Community Outreach established the Community Outreach Forum consisting of County Department representatives. Through monthly meetings of the Community Outreach Forum, the representatives work to provide coordinated outreach services to all county residents. Also participating in the Forum are related governmental entities including representatives from the County Council, Montgomery County District Congressional Offices and non-profit agencies. By working together to address pertinent community issues, Forum members share timely information about community concerns, collaborate on county responses to issues identified as priority by county residents and maximize the use of County resources.

The members of the Community Outreach Forum represent the diversity of Montgomery County and bring a clear understanding of the county and their respective departments to the Forum. The members are able to articulately represent the stated policies and procedures of Montgomery County to the community and to collaborate with other county departments in creating partnerships to cosponsor events to celebrate the rich diversity of Montgomery County

The next page lists the Community Outreach Forum's membership.

COMMUNITY OUTREACH FORUM MEMBERSHIP

<i>Name</i>	<i>Agency</i>
Anderson, Mary	Public Information Office
Boss, Alvin	Office of Procurement
Brooks, Jocelyn	UpCounty Regional Services Center
Chan, Shu-Ping	County Executive's Office-OCO
Clarke, Tina	County Executive's Office-OCO
Coffin, Melanie	Office of Management and Budget
Corbett, Alita	PEPCO
Crisostomo, Chuck	Eastern Montgomery Regional Services Center
Durbin, Kathie	Department of Liquor Control
Ejaz, Lubna	Committee for Ethnic Affairs
Fernandez, Veronica	Mid-County Regional Services Center
Fitzpatrick, Thomas	Department of Police
Flack-Darko, Barbara	County Council
Garcia, Rosa	County Council
Heiney-Gonzalez, Joe	County Executive's Office-OCO
Henley, Vonda	Department of Corrections and Rehabilitation
Ingate, Randall	Dept. of Health & Human Services/G.L.O.B.E.
Jetter, Reginald	Department of Permitting Services
Kenney, John	Dept. of Health & Human Services
Kleinman, Joan D.	House Representative Van Hollen's Office
Kotler, Meg	Dept. of Health & Human Services - A&D
Lazarov, Jeanie	Senator Sarbane's Office
Lefkowitz, Ed	Department of Technology Services
Luecking, Adam	Volunteer Service Center
Luecking, Betsy	Dept. of Health & Human Services - A&D
McKenzie, Carolyn	Mid-County Regional Services Center
Meleney, Peter	Community Conferencing Initiative
Mondonedo, Eduardo	Bethesda Regional Services Center
Moore, Dorothy	Department of Health and Human Services
Philipp, Alyssa	Commission for Women
Piringer, Peter	Fire and Rescue Service
Pogue, Thomas	Department of Public Works & Transportation
Prather, Almeta	DHHS/Community Action Board
Resnick, Debbie	County Executive's Office-OCO
Resnick, James	Fire and Rescue Service
Rockwell, Merle D.	Conflict Resolution Center of Montgomery County
Roher, Margie	Board of Elections/Diversity Council
Shannon, Odessa	Office of Human Rights
Sherrod, Joyce	Office of Community Use of Public Facilities
Snyder, Lillian	Department of Public Libraries in Gaithersburg
Sparer, Robin E.	City of Rockville
Street, Gail	Senator Mikulski's Office
Stuger, Tracy	Commission for Women
Talbott, Kathy	Department of Fire & Rescue Service
Teaff, Alexandra	Department of Recreation - Gilchrist Center
Torricon, Myriam	Department of Housing and Community Affairs
Vann, Terry	Conflict Resolution Center of Montgomery County

Varela, Diana	Social Security Administration
Waddy, Shari	Community Action Board
Wallace, Rusty	Silver Spring Regional Services Center
Washington-Bivans, Angela	Office of Human Resources
Weaver, David	Office of Public Information
Woodard, Bernard	Department of Corrections and Rehabilitation
Zelaya, Gilberto	Board of Elections

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*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with limited or no-English proficiency by requiring that District government programs, departments, and services assess the need for, and offer, oral language services; provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered; to ensure that District government programs, departments, and services with major public contact establish and implement a language access plan and designate a language access coordinator; to require that the Office of Human Rights coordinate and supervise District government programs, departments, and services in complying with the provisions of this act and establish the position of Language Access Director for this purpose; and to amend the District of Columbia Latino Community Development Act and to repeal the Bilingual Services Translation Act of 1977 to repeal redundant provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Language Access Act of 2004".

Sec. 2. Definitions.

For purposes of this act, the term:

(1) "Access or participate" means to be informed of, participate in, and benefit from public services, programs, and activities offered by a covered entity at a level equal to English proficient individuals.

(2) "Covered entity" means any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities. The term "covered entity" shall not include the Advisory Neighborhood Commissions.

(3)(A) “Covered entity with major public contact” means a covered entity whose primary responsibility consists of meeting, contracting, and dealing with the public.

(B) Covered entities with major public contact are:

- (i) Alcoholic Beverage Regulation Administration;
- (ii) Department of Health;
- (iii) Department of Mental Health;
- (iv) Department of Human Services;
- (v) Department of Employment Services;
- (vi) Fire and Emergency Medical Services;
- (vii) District of Columbia Housing Authority;
- (viii) District of Columbia general ambulatory and emergency care centers;
- (ix) Emergency Management Agency;
- (x) Metropolitan Police Department;
- (xi) District of Columbia Public Schools;
- (xii) Department of Motor Vehicles;
- (xiii) Department of Housing and Community Development;
- (xiv) Department of Public Works;
- (xv) Department of Corrections;
- (xvi) Office on Aging;
- (xvii) District of Columbia Public Library;
- (xviii) Department of Parks and Recreation ;
- (xix) Department of Consumer and Regulatory Affairs ;
- (xx) Child and Family Services Agency;
- (xxi) Office of Human Rights;
- (xxii) Office of Personnel;
- (xxiii) Office of Planning;
- (xxiv) Office of Contracting and Procurement;
- (xxv) Office of Tax and Revenue; and
- (xxvi) Office of the People’s Counsel.

(C) Other covered entities with major public contact may be designated by the Language Access Director through the Mayor, by regulation, after consultation with the D. C. Language Access Coalition in accordance with section 6(b)(6).

(4) “Language Access Director” means the official in the Office of Human Rights who, pursuant to section 6, coordinates and supervises the activities of District agencies, departments, and programs undertaken to comply with the provisions of this act.

(5) “Limited or no-English proficiency” means the inability to adequately understand or to express oneself in the spoken or written English language.

(6) “Oral language services” means the provision of oral information necessary

to enable limited or no-English proficiency residents to access or participate in programs or services offered by a covered entity. The term “oral language services” shall include placement of bilingual staff in public contact positions; the provision of experienced and trained staff interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters made available through community service organizations that are publicly funded for that purpose.

(7) “Vital documents” means applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation. The term “vital documents” shall include tax-related educational and outreach materials produced by the Office of Tax and Revenue, but shall not include tax forms and instructions.

Sec. 3. Oral language services provided by covered entities.

(a) A covered entity shall provide oral language services to a person with limited or no-English proficiency who seeks to access or participate in the services, programs, or activities offered by the covered entity.

(b) A covered entity shall, at least annually, determine the type of oral language services needed based upon:

(1) The number or proportion of limited or no-English proficient persons of the population served or encountered, or likely to be served or encountered by the covered entity, in the District of Columbia;

(2) The frequency with which limited or no-English proficient individuals come into contact with the covered entity;

(3) The importance of the service provided by the covered entity; and

(4) The resources available to the covered entity.

(c)(1) In making the determination under subsection (b) of this section of the type of oral language services needed, the covered entity shall consult the following sources of data to determine the languages spoken and the number or proportion of limited or no-English proficient persons of the population that are served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia:

(A) The United States Census Bureau’s most current report entitled “Language Use and English Ability, Linguistic Isolation” (or any other successor report);

(B) Any other language-related information;

(C) Census data on language ability indicating that individuals speak English “less than very well”;

(D) Local census data relating to language use and English language ability;

(E) Other governmental data, including intake data collected by covered entities; data collected by the District of Columbia Public Schools; and data collected by and

made available by District government offices that conduct outreach to communities with limited-English proficient populations and that serve as a liaison between the District government and limited-English proficient populations, such as the Office of Latino Affairs and the Office of Asian and Pacific Islander Affairs; and

(F) Data collected and made available by the D.C. Language Access Coalition.

(2) A covered entity shall annually collect data about the languages spoken and the number or proportion of limited or no-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by the covered entity. A covered entity's databases and tracking applications shall contain fields that will capture this information during the fiscal year that this act takes effect with respect to the covered entity pursuant to section 7. If it is demonstrated to the Office of Human Rights that this is not feasible due to budgetary constraints, a covered entity shall make all due efforts to comply with this paragraph by the beginning of the next fiscal year. All information collected under this section shall be provided to the Language Access Director and made available to the public, upon request, within a reasonable time.

(d) To the extent that a covered entity requires additional personnel to meet its requirement to provide oral language services based on the determination set forth in this section, the covered entity shall hire bilingual personnel into existing budgeted vacant public contact positions.

Sec. 4. Written language services by covered entity.

(a) A covered entity shall provide translations of vital documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia.

(b) If the provisions of this act are contractually imposed on a non-covered entity, subsection (a) of this section shall apply.

Sec. 5. Additional obligations of covered entities with major public contact.

(a)(1) A covered entity with major public contact shall establish a language access plan, by regulation.

(2) Each language access plan shall be established in consultation with the Language Access Director, the D.C. Language Access Coalition, the entity's language access coordinator, and agency directors that conduct outreach to limited or no-English populations. Each language access plan shall be updated every 2 years and shall set forth, at minimum, the following:

(A) The types of oral language services that the entity will provide and how the determination was reached;

(B) The titles of translated documents that the entity will provide and how the determination was reached;

(C) The number of public contact positions in the entity and the number of bilingual employees in public contact positions;

(D) An evaluation and assessment of the adequacy of the services to be provided; and

(E) A description of the funding and budgetary sources upon which the covered entity intends to rely to implement its language access plan.

(3) In establishing and updating the language access plan, the entity shall consult with the sources of data set forth in section 3(c)(1).

(b) A covered entity with major public contact shall designate a language access coordinator who shall report directly to the director of the entity and shall:

(1) Establish and implement the entity's language access plan in consultation with the Language Access Director, the D.C. Language Access Coalition, and the agency directors of government offices that conduct outreach to communities with limited or no-English proficient populations; and

(2) Conduct periodic public meetings with appropriate advance notice to the public.

(c) A covered entity with major public contact shall develop a plan to conduct outreach to communities with limited or no-English proficient populations about their language access plans and about the benefits and services to be offered under this act.

Sec. 6. Language access oversight; duties of Language Access Director.

(a) The Office of Human Rights shall provide oversight, central coordination, and technical assistance to covered entities in their implementation of the provisions of this act and ensure that the provision of services by covered entities meets acceptable standards of translation or interpretation.

(b) There shall be within the Office of Human Rights a Language Access Director to coordinate activities under this act. The Language Access Director shall:

(1) Review and monitor each covered entity's language access plan for compliance with this act and Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; 42 U.S.C. §§ 2000d through 2000d-7);

(2) Track, monitor, and investigate public complaints regarding language access violations at covered entities, and where necessary, issue written findings of noncompliance to the covered entities regarding failures to provide language access; provided, that this responsibility shall not supersede or preclude the existing individual complaint process and mechanism under the jurisdiction of the Office of Human Rights;

(3) Review and monitor the language access coordinators with respect to their performance of responsibilities under this act;

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(4) Consult with language access coordinators, the D.C. Language Access Coalition, and the heads of government offices that conduct outreach to communities with limited or no-English proficient populations;

(5) Serve as the language access coordinator for the Office of Human Rights;
and

(6) Through the Mayor, by regulation, after consultation with the D.C. Language Access Coalition, designate additional covered entities with major public contact.

Sec. 7. Phased implementation.

(a) This act shall apply on its effective date to:

- (1) Department of Health;
- (2) Department of Human Services;
- (3) Department of Employment Services;
- (4) Metropolitan Police Department;
- (5) District of Columbia Public School System;
- (6) Office of Planning;
- (7) Fire and Emergency Medical Services; and
- (8) Office of Human Rights.

(b) This act shall apply as of October 1, 2004 to:

- (1) Department of Housing and Community Development;
- (2) Department of Mental Health;
- (3) Department of Motor Vehicles;
- (4) Child and Family Services Agency;
- (5) Alcoholic Beverage Regulation Administration; and
- (6) Department of Consumer and Regulatory Affairs.

(c) This act shall apply as of October 1, 2005, to:

- (1) Department of Parks and Recreation;
- (2) Office on Aging;
- (3) District of Columbia Public Library;
- (4) Office of Personnel;
- (5) Office of Contracting and Procurement;
- (6) Department of Corrections;
- (7) Department of Public Works; and
- (8) Office of Tax and Revenue.

(d) This act shall apply as of October 1, 2006 to all covered entities.

Sec. 8. Conforming amendments.

(a) Section 304 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1314), is repealed.

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(b) The Bilingual Translation Services Act of 1977, effective October 26, 1977 (D.C. Law 2-31; D.C. Official Code § 2-1342 *et seq.*), is repealed.

Sec. 9. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan. This act is subject to appropriations.

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED
4-26-01

OAKLAND CITY COUNCIL

ORDINANCE NO. **12324** C.M.S.

INTRODUCED BY COUNCILMEMBER DE LA FUENTE AND WAN

EQUAL ACCESS TO SERVICES

AN ORDINANCE ESTABLISHING EQUAL ACCESS TO CITY SERVICES AND PROGRAMS BY REQUIRING CITY DEPARTMENTS TO OFFER BILINGUAL SERVICES AND MATERIALS IF A SUBSTANTIAL PORTION OF THE PUBLIC UTILIZING CITY SERVICES DOES NOT SPEAK ENGLISH EFFECTIVELY BECAUSE IT IS NOT THEIR PRIMARY LANGUAGE

WHEREAS, the City Council wishes to establish a form of government that is truly inclusive of all its residents, and

WHEREAS, the City of Oakland is committed to the delivery of effective, courteous and responsive services, and

WHEREAS, California Government Code Section 7290; also known as the Dymally-Altorre Bilingual Services Act, requires that every local public agency serving a substantial number of non-English speaking people, employ a sufficient number of qualified bilingual persons in public contact positions, and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, property, and general welfare will be furthered by the provisions of this Ordinance which establishes standards and procedures with respect to access to City programs and services by residents who are not fluent in English, now therefore,

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Purpose. The Oakland City Council hereby finds and declares that substantial numbers of persons who live, work, and pay taxes in Oakland are unable to communicate effectively in English because their primary language is not English. It is of paramount importance that all residents regardless of their proficiency in English have access to City programs and services. This Ordinance establishes standards and procedures for providing equal access to city services and programs to all Oaklanders, including those with limited proficiency in English. This Ordinance is consistent with and supplements California's Dymally-Alatorre Bilingual Services Act, Government Code 7290 et seq., which requires state and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons.

Section 2. Chapter 2.30 "Equal Access to Services" is added to the Oakland Municipal Code to read as follows:

CHAPTER 2.30

EQUAL ACCESS TO SERVICES

- Sec 2.30.010 Title
- Sec 2.30.020 Definitions
- Sec 2.30.030 Equal Access to Services
- Sec 2.30.040 Bilingual Staffing
- Sec 2.30.050 Translation of Materials
- Sec 2.30.060 Dissemination of Translated Materials from the State and Federal Government
- Sec 2.30.070 Public Meetings and Hearings
- Sec 2.30.080 Recorded Telephonic Messages
- Sec 2.30.090 Complaint Procedures
- Sec 2.30.100 Compliance Plans
- Sec 2.30.120 Recruitment
- Sec 2.30.130 Monitoring and Structure
- Sec 2.30.140 Rules and Regulations
- Sec 2.30.150 Enforcement
- Sec 2.30.160 Severability

SEC. 2.30.010 TITLE. This chapter shall be known as the "Equal Access to Services Ordinance".

SEC. 2.30.020 Definitions. As used in this Chapter, the following capitalized terms shall have the following meanings:

- (a) "Agency" shall mean any of the following: Community and Economic Development Agency, Financial Services Agency, Fire Services Agency, Life Enrichment Agency, Police Services Agency, Public Works Agency, Office of Retirement and Risk Assessment, Office of Personnel Resource Management, Office of Information Technology, Office of Arts and Cultural Affairs, Office of the City Attorney, Office of the City Auditor, Office of the City Clerk, Office of the City Council, Office of the City Manager, Office of the Mayor, Port of Oakland and such other agencies as the City Manager may designate.
- (b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English that is spoken by not less than 10,000 Limited English Speaking Persons who are Oakland residents.
- (c) "City" shall mean the City of Oakland.
- (d) "Substantial Number of Limited English Speaking Persons Group" or "Group" shall mean at least 10,000 limited English speaking City residents who speak a shared language other than English. The City Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English by referring to the best available data from the United States Census

Bureau or another reliable source and shall certify its determination to the City Manager no later than December 1 of each year.

- (e) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments."
- (f) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.
- (g) "Public Contact Position" shall mean a position, whether of a clerical, service, professional or sworn nature, that emphasizes greeting, meeting, contact, or provision of information and/or services to the public in the performance of the duties of that position.
- (h) "Phase 1" shall mean during Fiscal Year 2001-2002
- (j) "Phase 2" shall mean during Fiscal Year 2002-2003
- (k) "Tier 1 Departments" shall mean the following City Departments, Divisions, or Agencies: Office of the City Attorney-Claims Division; Office of the City Clerk; City Council Reception Desk; Mayor's Office Reception Desk; Oaklanders Assistance Center; Office of Personnel Resources Management; Inspection Services/Code Enforcement (Blight Abatement); Building Permit Processing; Zoning Counter; One Stop Capital Shop; Residential Lending; Rent Arbitration; Neighborhood Commercial Revitalization; Parking Citation; Business License/Tax; Fire Services-Inspections Unit; Fire Services-911 Dispatch; Firehouses; Life Enrichment Agency-Administrative Office; Recreation Centers; Senior Centers; Head Start; Library Services; Police Services-Internal Affairs; Police Beats; Abandoned Car Removal; Neighborhood Services Coordinators; Community Policing; Police Services-911 Dispatch; Police Services-Records Division; Police Services-Patrol Desk; Police Services-Traffic Division; Animal Control; Public Works Agency-Administration; Illegal Dumping Hotline; Garbage Services; Street Lighting Repair; Street Sweeping; Traffic Engineering, and such other departments as the City Manager may designate.
- (l) "Tier 2 Departments" shall mean all City Agencies, Departments, or Divisions not specified as Tier 1 Departments that furnish information or provide services to the public and consist of at least 15 full-time City employees.
- (m) "Sufficient Bilingual Employees" shall mean the number of employees required to provide the same level of services to Limited English Speaking Persons as is available to English-speaking persons seeking any city services.

SEC. 2.30.030 Equal Access to Services.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Departments shall provide information and services to the public in each language spoken by the Substantial Number of Limited English Speaking Persons Group(s). Departments comply with their obligations under this Section if they provide the same level of service to members of the Substantial Number of Limited English Speaking Persons Group(s) as they provide English speakers.

(b) Nothing herein shall be construed to authorize or require the termination, demotion, or transfer of any City of Oakland employee in order to carry out this Ordinance.

(c) This article shall be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, Americans with Disabilities Act, and any article of the City of Oakland's Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree.

SEC. 2.30.040 Bilingual Staffing.

(a) During Phase I, Tier 1 Departments will hire a sufficient number of Bilingual Employees in Public Contact Positions so as to adequately serve members of the Substantial Number of Limited English Speaking Persons Group(s) in the City of Oakland. The City Manager will determine the adequacy of service to members of the Group(s) upon review of each Department's compliance plan.

(b) Senior Centers, Recreation Centers and Neighborhood Services Coordinator positions located in areas with a significant concentration of a Substantial Number of Limited English Speaking Persons Group(s) shall be staffed by a sufficient number of Bilingual Employees.

(c) Firehouses and Police Beats located in areas with a significant concentration of a Substantial Number of Limited English Speaking Persons Group(s) shall be staffed by a sufficient number of Bilingual officers and firefighters.

(c) During Phase II, Tier 2 Departments will hire a sufficient number of bilingual employees in Public Contact Positions so as to adequately serve members of the Substantial Number of Limited English Speaking Persons Group(s) in the City of Oakland. The City Manager will determine the adequacy of service to members of the Group(s) upon review of each Department's compliance plan.

(d) Upon passage of this Ordinance, all new hires for vacant Public Contact Positions in Tier One or Tier Two shall be reviewed and approved by the City Manager until a compliance plan is submitted to and approved by the City Council. The plan will be presented to the Finance and Management Committee of the City Council, or such other committee as the Council may hereafter designate, before it is forwarded to the full City Council for approval.

(e) Notwithstanding any other provision hereof, in carrying out this Ordinance, Sufficient Bilingual Employees will be hired in accordance with Compliance Plans and meet and confer obligations into current and future vacancies for Public Contact Positions.

(f) The City will comply with any meet and confer obligations with unions representing City employees.

SEC. 2.30.050 Translation of Materials.

(a) The City Manager shall establish an in house translation service with court certified or American Translators Association accredited translators for the purpose of translating written materials for city departments and providing translations for public meetings as needed or professional services may be contracted out to an accredited translation contractor.

(b) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by the Substantial Number of Limited English Speaking Persons Group(s):

- (1) written materials disseminated to the public including, but not limited to, brochures, outreach materials and;
- (2) applications or forms to participate in a Department's program or activity or to receive its benefits or services;
- (3) written notices of fines or rights to, determination of eligibility of, award of, denial of, loss of, or decrease in a benefit, city service or program, including the right to appeal any Department's decision;
- (4) written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required;
- (5) notices advising limited English-proficient persons of free language assistance;

- (6) materials explaining a Department's services or programs
- (7) complaint forms; or
- (8) Any other written documents that have the potential for determining eligibility for, or access to, services from, or participating in, a program of a city department.
- (c) Tier 2 Departments shall translate all publicly posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into language(s) spoken by the Substantial Number of Limited English Speaking Persons Group(s).
- (d) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the languages of the Substantial Number of Limited English Speaking Persons Group(s) indicating that written materials in the languages, and staff who speak the languages, are available. The notices shall be posted prominently and shall be readily visible to the public.
- (e) Departments required to translate materials under the provisions of this Section shall ensure that their translations are made by a certified translator and that materials are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience. Departments are encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.
- (f) Departments shall comply with the requirements of this Section within 180 days of the enactment of this Article.

SEC. 2.30.060 Dissemination of Translated Materials from State and Federal Government. If the State or Federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's Services.

SEC. 2.30.070 Public Meetings and Hearings.

- (a) City Commissions and Departments shall not be required to translate meeting notices, agendas, or minutes.
- (b) Oral interpretation of any public meeting or hearing held by a City commission or Department shall be provided if requested at least 48 hours in advance of the meeting or hearing in question.

SEC. 2.30.080 Recorded Telephonic Messages.

All Departments shall maintain recorded telephonic messages in each language spoken by the Substantial Number of Limited English Speaking Persons Group(s). The message shall contain basic information about the Department's operation including, at a minimum, business hours, location(s), services offered and the means of accessing such services, and the availability of language assistance.

SEC. 2.30.090 Complaint Procedures.

(a) Departments shall allow persons to make complaints alleging violation of this Article to the Department in each language spoken by the Substantial Number of Limited English Speaking Persons Group(s). The complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than two (2) years. A copy of each complaint shall be forwarded to the City Manager within 30 days of its receipt. The City Manager shall furnish a report to the City Council every six months regarding the number, nature and status of complaints. The report shall be presented to the Finance and Management Committee of the Council or such other committee as the Council may designate before it is forwarded to the City Council.

SEC. 2.30.100 Compliance Plan.

(a) By June 1 of each year, the City Manager shall submit to the City Council an annual compliance plan. Each

(b) Each plan filed by the City Manager shall contain the following information:

- (1) The number and languages of the Limited English Speaking Group
- (2) The number of Public Contact Positions in each Department covered by this Ordinance, listed by job title.
- (3) The number of Bilingual Employees in Public Contact Positions, their titles, office locations, and the language(s) other than English that the persons speak;
- (4) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 2.30.030 of this Article;
- (5) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 2.30.030 of this Article, a description of each Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions, and a brief narrative describing the methods or means employed to ensure a pool of qualified bilingual applicants, and a brief narrative describing the method of processing each qualified applicant, including the methods used to assess language skills.
- (6) A list of all Public Contact Positions filled during the current fiscal year, a list of those Public Contact Positions filled with Bilingual Employees, and a copy of each of the qualified applicants pool lists for each position filled, identifying whether each applicant had bilingual capabilities.
- (7) A narrative assessment of the procedures used to facilitate communication with members of the Substantial Number of Limited English Speaking Persons Group(s), which shall include an assessment of the adequacy of the procedures;
- (8) The name, address, telephone number, and contact person of each recruitment firm used to search for qualified applicants for City employment positions; and
- (9) For each firm, the total number of City employees hired from the firm in the current year, including the employee's title and Department of employment, and the number of Bilingual Employees hired from the firm to fill Public Contact Positions, including their title and Department of employment.
- (10) A narrative assessing the adequacy of each firm to recruit applicants for Public Contact Positions in each of the Concentrated Number of Limited English Speaking Persons Group(s).

- (11) If the firm has been inadequate in recruiting applicants to fill Public Contact Positions in each of the Substantial Number of Limited English Speaking Persons Group(s), a description of the actions to be taken to improve performance.
- (12) A list of each Department's written materials required to be translated under this Article, the languages into which they have been translated, and the persons who have reviewed the translated material for review of accuracy and appropriateness;
- (13) A description of each Department's procedures for accepting and resolving complaints of an alleged violation of this Article;
- (14) A description of the written policies on providing services to members of the Substantial Number of Limited English Speaking Persons Group(s).
- (15) A report regarding the adequacy of service to members of the Limited English speaking persons Group(s).
- (16) Any other information requested by the City Council necessary for the implementation of this Article.

SEC. 2.30.120 Recruitment.

(a) It shall be the policy of the City to publicize job openings for Department's Public Contact Positions as widely as possible, including, but not limited to, in non-English language media. For every Public Contact Position for which bilingual capacity is necessary, the job shall be advertised as a bilingual position for which bilingual conversational proficiency will be a job requirement.

(b) It shall be the policy of the City to contract with recruitment firms able to attract a pool of qualified bilingual applicants for job openings in order to increase the opportunities for finding qualified Bilingual Employees to fill Public Contact Positions.

(c) Each Department's recruitment efforts shall be consistent with the City's Selective Bilingual Certification Process.

SEC. 2.30.130 Monitoring and Structure

(a) The City Manager shall be responsible for monitoring and facilitating compliance with this Ordinance. The City Manager will review complaints about alleged violations of this Ordinance and review compliance plans.

(b) The City Manager will submit to the City Council, a strategy to conduct outreach to members of the Substantial Number of Limited English Speaking Persons Group(s) about their rights under this Article; and procedures to accept and investigate complaints alleging violations of this Article. The strategy will be presented to the Finance and Management Committee, or such other Committee as the Council may designate before it is forwarded to the full City Council.

SEC. 2.30.140 Rules and Regulations. In order to effectuate the terms of this Article, the City Manager may propose rules and regulations consistent with this Article. Such rules and regulations shall be reviewed by the Finance and Management Committee or such other committee as the Council may designate, before they are approved by the City Council.

SEC. 2.30.150 Enforcement.

If City Manager determines that a Department is not complying with this Ordinance, he/she shall take steps to enforce the provisions of the Ordinance and assure compliance. The City

Manager's annual compliance plan will include information about the status of compliance with this Ordinance.

SEC. 2.30.160 Severability. If any of the provisions of this article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

Introduced - 4/24/01
IN COUNCIL, OAKLAND, CALIFORNIA, MAY 08 2001, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, ~~WHEAT~~ ^{*None*}, NADEL, REID, WAN, SPEES, AND
PRESIDENT DE LA FUENTE - 8

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

ATTEST:

Ceda Floyd

CEDA FLOYD

City Clerk and Clerk of the Council
Of the City of Oakland California

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2003**

No. 73

Introduced by The Speaker (Council Member Miller) and Council Members Liu, Brewer, DeBlasio, Barron, Comrie, Dilan, Martinez, Monserrate, Moskowitz, Perkins, Quinn, Reyna, Rivera, Serrano, Yassky, Reed, Sanders, Jr., Gennaro, Foster, Koppell, Clarke, Recchia, Jr., Baez, Nelson, Seabrook, Sears, Lopez, Felder, Espada, Jr., Katz, Stewart, Gonzalez, Jackson, James, Jennings, Addabbo, Jr., Avella, McMahon and the Public Advocate (Ms. Gotbaum); also Council Members Boyland, Vann, Fidler, Gerson, Weprin and Gioia. (Passed under a Mayor's Message of Necessity).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the provision of language assistance services.

Be it enacted by the Council as follows:

Section 1. **Declaration of legislative findings and intent.** Title VI of the Civil Rights Act of 1964 provides in pertinent part that "[n]o person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance." The United States Department of Justice and the Department of Health and Human Services have stated that all recipients of federal funding must take reasonable steps to ensure meaningful access to the information and services they provide and that failure to do so may amount to a violation of Title VI.

It is and has been the policy of the City of New York to oppose all forms of discrimination, especially when such discrimination could undermine the welfare of New York City residents. Individuals should not face obstacles to receiving social services for which they may be eligible because they do not speak English. The purpose of this local law is to ensure that persons eligible for social services receive them and to avoid the possibility that a person who attempts to access services will face discrimination based upon the language s/he speaks.

§ 2. Title 8 of the administrative code of the city of New York is hereby amended by adding a new chapter 10 to read as follows:

**CHAPTER 10
EQUAL ACCESS TO HUMAN SERVICES**

§ 8-1001	Short title.
§ 8-1002	Definitions.
§ 8-1003	Language assistance services.
§ 8-1004	Translation of documents.
§ 8-1005	Notices.
§ 8-1006	Screening and training.
§ 8-1007	Recordkeeping.
§ 8-1008	Implementation.
§ 8-1009	Rules.
§ 8-1010	Miscellaneous.

§ 8-1011 Severability.

§ 8-1001 Short title. This chapter shall be known and may be cited as the "Equal Access to Human Services Act of 2003."

§ 8-1002 Definitions. For purposes of this chapter, the following terms have the following meanings:

- a. "Agency" means the human resources administration/department of social services, including any part, subdivision, field office or satellite facility thereof.
- b. "Agency office" means a job center, food stamp office, medical assistance program office, or other part, subdivision, field office or satellite facility of the agency or agency contractor office that performs a covered function.
- c. "Agency contractor" means any contractor that enters into a covered contract with the agency.
- d. "Agency personnel" means bilingual personnel or interpreter personnel who are employees of the agency.
- e. "Bilingual personnel" means agency, agency contractor, or other contractor employees, not including work experience program participants, who provide language assistance services in addition to other duties.
- f. "Contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for work, labor or services.
- g. "Contractor" means any individual, sole proprietorship, partnership, joint venture or corporation or other form of doing business that enters into a contract.
- h. "Covered contract" means a contract between the agency and a contractor to perform a covered function.
- i. "Covered function" means any of the following functions:
 1. Benefits or services offered or provided at agency offices;
 2. Benefits or services provided by agency contractors to provide employment services in connection with participation of individuals engaged in activities required by sections 335 through 336-c of the social services law;
 3. Home care services; and
 4. Determinations regarding eligibility for subsidized child care.
- j. "Covered language" means Arabic, Chinese, Haitian Creole, Korean, Russian or Spanish.
- k. "Document" means the following forms and notices developed by the agency:
 - i. Application forms and corresponding instructional materials;
 - ii. Notices that require a response from the participant;
 - iii. Notices that concern the denial, termination, reduction, increase or issuance of a benefit or service;
 - iv. Notices regarding the rights of participants to a conference and fair hearing; and
 - v. Notices describing regulation changes that affect benefits.
- l. "Interpretation services" means oral, contemporaneous interpretation of oral communications.
- m. "Interpreter personnel" means agency, agency contractor, or other contractor employees, not including work experience program participants, whose sole responsibility is to provide language assistance services.
- n. "Language assistance services" means interpretation services and/or translation services provided by bilingual personnel or interpreter personnel to a limited English proficient individual in his/her primary language to ensure their ability to communicate effectively with agency or agency contractor personnel.
- o. "Limited English proficient individual" means an individual who identifies as being, or is evidently, unable to communicate meaningfully with agency or agency contractor personnel because English is not his/her primary language.
- p. "Other covered agency" means the administration for children's services; the department of homeless services; the department of health and mental hygiene; and all functions served by the agency that are not covered functions, including any part, subdivision, field office or satellite facility thereof.
- q. "Primary language" means the language in which a limited English proficient individual chooses to communicate with others.
- r. "Translation services" means oral explanation or written translation of documents.

§ 8-1003 Language assistance services. a. The agency and all agency contractors shall provide free language assistance services as required by this chapter to limited English proficient individuals.

b. When a limited English proficient individual seeks or receives benefits or services from an agency office or agency contractor, the agency office or agency contractor shall provide prompt language assistance services in all interactions with that individual, whether the interaction is by telephone or in person. The agency office or

agency contractor shall meet its obligation to provide prompt language assistance services for purposes of this subdivision by ensuring that limited English proficient individuals do not have to wait unreasonably longer to receive assistance than individuals who do not require language assistance services.

c. Where an application or form requires completion in English by a limited English proficient individual for submission to a state or federal authority, the agency or agency contractor shall provide oral translation of such application or form as well as certification by the limited English proficient individual that the form was translated and completed by an interpreter.

d. The agency shall make all reasonable efforts to provide language assistance services in person by bilingual personnel.

§ 8-1004 **Translation of documents.** The agency shall translate all documents into every covered language as of the first day of the sixtieth month after the effective date of the local law that added this chapter.

§ 8-1005 **Notices.** a. Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by the agency or an agency contractor, the agency or agency contractor shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the agency or agency contractor shall inform the individual in his/her primary language of the right to free language assistance services.

b. The agency shall provide in all application and recertification packages an 8 ½ inch x 11 inch or larger notice advising participants that free language assistance services are available at its offices and where to go if they would like an interpreter. This notice shall appear in all covered languages.

c. The agency and each agency contractor shall post conspicuous signs in every covered language at all agency offices and agency contractor offices informing limited English proficient individuals of the availability of free language assistance services.

d. Other covered agencies. Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by an other covered agency, the other covered agency shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the other covered agency shall inform the individual in his/her primary language of available language assistance services.

§ 8-1006 **Screening and training.** The agency and each agency contractor shall screen bilingual personnel and interpreter personnel for their ability to provide language assistance services. The agency and each agency contractor shall provide annual training for bilingual personnel and interpreter personnel and ensure that they are providing appropriate language assistance services.

§ 8-1007 **Recordkeeping.** a. No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, the agency and each agency contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or agency contractor. At a minimum, the agency and each agency contractor shall maintain specific records of the following:

1. The number of limited English proficient individuals served, disaggregated by agency, agency contractor or contractor, agency office, type of language assistance required and primary language;

2. The number of bilingual personnel and the number of interpreter personnel employed by the agency, disaggregated by language translated or interpreted by such personnel;

3. Whether primary language determinations are recorded properly; and

4. Whether documents are translated accurately and disseminated properly.

b. Other covered agencies. No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, every other covered agency shall maintain records of the primary language of every individual who seeks or receives ongoing benefits or services. At a minimum, the other covered agency shall maintain specific records of the following:

1. The number of limited English proficient individuals served, disaggregated by type of language assistance required and primary language;

2. The number of bilingual personnel and the number of interpreter personnel employed by the other covered agency, disaggregated by language translated by such personnel;

3. Whether primary language determinations are recorded properly; and

4. Whether documents are translated accurately and disseminated properly.

§ 8-1008 **Implementation.** a. The agency shall phase in language assistance services for covered functions as follows:

1. As of the first day of the twenty-fourth month after the effective date of the local law that added this chapter, no less than 20% of covered functions provided by agency offices.

2. As of the first day of the forty-eighth month after the effective date of the local law that added this chapter, no less than 40% of covered functions provided by agency offices.

3. As of the first day of the sixtieth month after the effective date of the local law that added this chapter, 100% of covered functions provided by agency offices.

b. Contractors.

1. In all covered contracts entered into or renewed after January 1, 2005, the contractor shall certify that it shall make available language assistance services and maintain and provide access to records as required by this chapter.

2. Every covered contract must contain a provision in which the contractor acknowledges that the following responsibilities constitute material terms of the contract:

(a) to provide language assistance services as required by this chapter;

(b) to comply with the recordkeeping requirements set forth in this chapter;

(c) to provide the city access to its records for the purpose of audits or investigations to ascertain compliance with the provisions of this section, to the extent permitted by law; and

(d) to provide evidence to the city that the contractor is in compliance with the provisions of this section, upon request.

3. If an agency contractor enters into a subcontract agreement to provide any benefits or services under a covered contract, that subcontract will be considered a covered contract for purposes of this section and the provisions of this section will bind the subcontractor. Each contractor is required to include the contract provision set forth in paragraph 2 of this subdivision in any such subcontract agreement.

c. Implementation plans. Within eight months of the effective date of the local law that added this chapter, the agency and each other covered agency shall develop an implementation plan that describes how and when the agency or other covered agency will meet the requirements imposed by this chapter. The agency and each other covered agency shall publish a copy of its implementation plan.

d. Implementation updates and annual reports. No later than 90 days after the end of each calendar year after the publication of the implementation plan and before implementation is complete, the agency and each other covered agency shall publish an implementation update. The implementation update shall describe steps taken over the prior year to implement the requirements of this chapter and shall describe any changes in the agency or other covered agency's plan for implementing the remaining requirements of the local law that added this chapter before the date set forth in subdivision a of this section. The implementation update for every year after 2004 shall include a report on the number of limited English proficient people served, disaggregated by language and by agency office or other covered agency office. Not later than 90 days after the end of each calendar year beginning with 2008, the agency and each other covered agency shall publish an annual report on language assistance services. At a minimum, this annual report of the agency, each agency contractor and each other covered agency shall set forth the information required to be maintained by this chapter.

§ 8-1009 Rules. The agency and each other covered agency shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter.

§ 8-1010 Miscellaneous. *a.* Nothing in this chapter precludes the agency or an agency contractor from providing language assistance services beyond those required by this chapter.

b. Nothing in this chapter precludes a limited English proficient individual from having an adult volunteer, relative, spouse or domestic partner accompany him/her to provide language assistance services with the agency office or agency contractor, provided that the agency office or agency contractor informs a limited English proficient individual of the availability of free language assistance services and the agency remains responsible for ensuring effective communication.

c. This chapter does not apply to any contract with an agency contractor entered into or renewed prior to January 1, 2005.

§ 8-1011 Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which shall continue in full force and effect.

§ 3. This local law shall take effect forty-five days after its enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on December 15, 2003, and approved by the Mayor on December 22, 2003.

VICTOR L. ROBLES, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 73 of 2003, Council Int. No. 38-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 15, 2003: 46 for, 4 against, 0 not voting.

Was returned signed by the Mayor on December 22, 2003.

Was returned to the City Clerk on December 22, 2003.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

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Immigrant Rights Commission >> Multi-Lingual Services

Immigrant Rights Commission

Multi-Lingual Services

[Equal Access to City Services For Limited English Speakers]

Ordinance Amending The San Francisco Administrative Code By Adding Chapter 89, Sections 89.1, 89.2 and 89.4 through 89.14, To Require City Departments To Offer Materials If A Substantial Or Concentrated Portion Of The Public Utilizing Their Services Does Not Speak English Effectively Because It Is Not Their Primary Language.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings and Purpose. The Board of Supervisors hereby finds and declares that substantial numbers of persons who live, work, and pay taxes in San Francisco are unable to communicate effectively with city departments because their primary language is not English. The Board further finds and declares that city employees are frequently unable to communicate with persons requiring their services because of this language barrier. Consequently, substantial numbers of San Franciscans may be denied rights, benefits, and services to which they are entitled.

This Ordinance makes it the policy of the City and County of San Francisco to provide equal access to city services to all San Franciscans, including those with limited proficiency in English. This Ordinance also implements and supplements California's Dymally-Alatorre Bilingual Services Act, Government Code §7290 et seq., which requires state and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons. It is the policy of the City and County of San Francisco to support English proficiency even as the Board of Supervisors supports equal access to services for limited English speaking persons.

Section 2. The San Francisco Administrative Code is hereby amended by adding Chapter 89, to read as follows:

Chapter 89

Equal Access to Services

Sec. 89.1 Title

Sec. 89.2 Definitions

Sec. 89.3 Equal Access to Services

Sec. 89.4 Translation of Materials

Sec. 89.5 Dissemination of Translated Materials from the State and Federal Government

Sec. 89.6 Public Meetings and Hearings

Sec. 89.7 Recorded Telephonic Messages

Sec. 89.8 Complaint Procedure



Sec. 89.9 Compliance Plans

Sec. 89.10 Recruitment

Sec. 89.11 Commission Responsibilities

Sec. 89.12 Rules and Regulations

Sec.

89.13 Enforcement

Sec. 89.14 Severability

SEC. 89.1. TITLE. This chapter shall be known as the "Equal Access to Services Ordinance."

SEC. 89.2. DEFINITIONS. As used in this Chapter, the following capitalized terms shall have the following meanings:

(a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.

(b) "City" shall mean the City and County of San Francisco.

(c) "Commission" shall mean the Immigrant Rights Commission.

(d) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Planning Department shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are limited English speaking persons who speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English using either of the following methods specified in Section 89.2(j) of this Article.

(e) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.

(f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

(g) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw district boundaries for the purposes of this Article that are approximately equal in population.

(h) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.



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Immigrant Rights Commission

Equal Access to City Services For Limited English Speakers



Ordinance Amending The San Francisco Administrative Code By Adding Chapter 89, Sections 89.3, To Require City Departments To Offer Bilingual Services If A Substantial Or Concentrated Portion Of The Public Utilizing Their Services Does Not Speak English Effectively Because It Is Not Their Primary Language.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings and Purpose. The Board of Supervisors hereby finds and declares that substantial numbers of persons who live, work, and pay taxes in San Francisco are unable to communicate effectively with city departments because their primary language is not English. The Board further finds and declares that city employees are frequently unable to communicate with persons requiring their services because of this language barrier. Consequently, substantial numbers of San Franciscans may be denied rights, benefits, and services to which they are entitled.

This Ordinance makes it the policy of the City and County of San Francisco to provide equal access to city services to all San Franciscans, including those with limited proficiency in English. This Ordinance also implements and supplements California's Dymally-Alatorre Bilingual Services Act, Government Code §7290 et seq., which requires state and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons. It is the policy of the City and County of San Francisco to support English proficiency even as the Board of Supervisors supports equal access to services for limited English speaking persons.

Section 2. The San Francisco Administrative Code is hereby amended by adding Section 89.3, to read as follows:

SEC. 89.3. Equal Access to Services.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Departments need only implement the hiring requirements in this ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out this ordinance.

(c) This Article shall be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree.

APPROVED AS TO FORM:

(i) "Public Contact Position" shall mean a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

(j) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those limited English speaking persons who use the Department's services citywide speak a shared language other than English. Departments shall make this determination using either of the following methods:

(1) conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its annual compliance plan required by Section 89.9 of this Article; or

(2) analyzing information collected during the Department's intake process.

The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English for purposes of Section 89.2(d) of this Article. Departments may not use any other method unless approved prior to its use by the Commission. (k) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Consumer Assurance; Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

(l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City employees.

SEC. 89.4. Translation of Materials.

Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons; applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising limited English-proficient persons of free language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) Departments shall comply with the requirements of this Section within one year of the enactment of this Article.

SEC. 89.5.

Dissemination of Translated Materials from the State and Federal Government. If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services.

SEC. 89.6.

Public Meetings and Hearings

(a) City Boards, Commissions and Departments shall not be required to translate meeting notices, agendas, or minutes.

(b) Oral interpretation of any public meeting or hearing held by a City Board, Commission or Department shall be provided if requested at least 48 hours in advance of the meeting or hearing in question.

SEC. 89.7. Recorded Telephonic Messages.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a commission, the messages shall include the time, date, and place of the commission's meetings.

SEC. 89.8. Complaint Procedure.

(a) Departments shall allow persons to make complaints alleging violation of this Article to the Department in each language spoken by a Substantial Number of

Limited English Speaking Persons. The complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission within 30 days of its receipt.

SEC. 89.9. Compliance Plans.

(a) Each Department shall draft and file with the Commission an annual compliance plan. Each Department shall file its first plan within 90 days of the enactment of this Article to assess what actions the Department needs to take to come into compliance. Thereafter, each Department shall file a plan by February 1 of each year.

(b) Each plan filed by a Department shall contain the following information:

(1) The number and percentage of limited English speaking persons who actually use the Department's services citywide, listed by language other than English, using either method in Section 89.2(j) of this Article;

(2) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 89.2(j) of this Article;

(3) The number of Public Contact Positions in the Department;

(4) The number of Bilingual Employees in Public Contact Positions, their titles, office locations, the language(s) other than English that the persons speak,

(5) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;

(6) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;

(7) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 89.3 of this Article;

(8) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 89.3 of this Article, a description of the Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

(9) The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Article;

(10) A list of the Department's written materials required to be translated under this Article, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;

(11) A description of the Department's procedures for accepting and resolving complaints of an alleged violation of this Article;

(12) A copy of the written policies on providing services to Limited English Speaking Persons;

(13) A list of goals for the upcoming year and, for all plans except the first, an assessment of the Department's success at meeting last year's goals; and

(14) Any other information requested by the Commission necessary for the implementation of this Article.

SEC. 89.10. Recruitment.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media.

SEC. 89.11. Commission Responsibilities.

The Commission shall be responsible for monitoring and facilitating compliance with this Article. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Article, establishing and implementing a procedure to accept and investigate complaints alleging a violation of this Article; reviewing complaints about alleged violations of this Article forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing compliance plans.

SEC. 89.12. Rules and Regulations.

In order to effectuate the terms of this Article, the Commission may adopt rules and regulations consistent with this Article.

SEC. 89.13. Enforcement.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors.

SEC. 89.14. Severability.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall

continue in full force and effect. To this end, the provisions of this Article are severable.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By:

Theodore R. Lakey

Deputy City Attorney

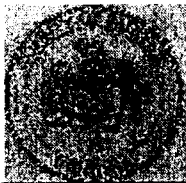
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PRE-PROPOSAL CONFERENCE

RFP03-658474-14

A pre-proposal conference will be held on May 15, 2003, 10:00 A.M at the Fairfax County Government Center, 12000 Government Center Parkway, Conference Room 7, Fairfax, Virginia. All offerors are urged to attend.



FAIRFAX COUNTY

DEPARTMENT OF PURCHASING & SUPPLY MANAGEMENT
12000 GOVERNMENT CENTER PARKWAY, SUITE 427
FAIRFAX, VIRGINIA 22035-0013

www.co.fairfax.va.us/dpsm

VIRGINIA

TELEPHONE: (703) 324-3201 FAX: (703) 324-3223 TTY: 1-800-828-1140

ISSUE DATE: May 1, 2003	REQUEST FOR PROPOSAL NUMBER: RFP03-658474-14	FOR: Language Interpretation and Translation Services
AGENCY: Various	DATE/TIME OF CLOSING: May 29, 2003 at 3 p.m.	CONTRACT ADMINISTRATOR: Regina K. Mumford-Rush; 703-324-3227; Regina.Mumford-Rush@fairfaxcounty.gov

Proposal - In accordance with the following and in compliance with all terms and conditions, unless otherwise noted, the undersigned offers and agrees, if the proposal is accepted, to furnish items or services for which prices are quoted, at the price set opposite each item, delivered or furnished to designated points within the time specified. It is understood and agreed that with respect to all terms and conditions accepted by Fairfax County under acceptance below, items or services offered and accompanying attachments shall constitute a contract.

NOTE: Fairfax County does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 11-35.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

NAME AND ADDRESS OF FIRM:	Telephone/Fax No.:	/
	E-Mail Address:	
	VA State Contractor's License No.:	
	Federal Social Security No.:	
	Prompt Payment Discount:	___% for payment within ___ days/net ___ days
	Fairfax License Tax No.:	
CHECK ONE: <input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> CORPORATION
	State in which Incorporated: _____	
_____ Vendor Legally Authorized Signature	_____ Date	(Impress Corporate Seal Here)
_____ Print Name and Title	_____ Secretary	

By signing this proposal, Offeror certifies, acknowledges, understands, and agrees to be bound by the conditions set forth in Paragraph 64 of the General Conditions and Instructions to Bidders, regarding financial disclosure requirements.

Sealed proposals subject to terms and conditions of this Request for Proposal, will be received at 12000 Government Center Parkway, Suite 427, Fairfax, Virginia 22035 until time/date specified above for furnishing items or services delivered or furnished to specified destinations within the time specified or stipulated by the offeror.

AN EQUAL OPPORTUNITY PURCHASING ORGANIZATION

(DPSM32) (rev 11/01)

SPECIAL PROVISIONS

1. SCOPE OF CONTRACT:

- 1.1 The purpose of this Request for Proposal (RFP) is to enter into a contract with one or more qualified firms for the provision of Language Interpretation/Translation Services in accordance with the terms and conditions of this Request for Proposal.
- 1.2 This contract will primarily be used by Fairfax County Human Services agencies, which include the Department of Administration for Human Services (DAHS), Department of Systems for Human Services (DSHS), Department of Family Services (DFS), Department of Community and Recreation Services (CRS), Fairfax-Falls Church Community Services Board (CSB), Health Department (HD), and Juvenile and Domestic Relations Court Services Unit (J&DRC). This contract may also be used by other County agencies.
- 1.3 Selected vendors will be placed on an "Approved Vendor List." **Vendors placed on this list are not guaranteed business.** County agencies will select vendors from this list based upon the agencies' needs, vendor's services, qualifications, availability, and cost.

2. BACKGROUND:

- 2.1 English is the predominant language in the United States. The United States is home to millions of national origin minority individuals who are "limited English proficient" (LEP). That is, they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies. Because of these language differences and their inability to speak or understand English, LEP persons are often excluded from programs, experience delays or denials of services, or receive care and services based on inaccurate or incomplete information.
- 2.2 Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal financial assistance. Fairfax County is committed to guaranteeing access to health and human services for LEP persons in accordance with Title VI of the Civil Rights Act of 1964. It is to this end Fairfax County is looking to provide interpretation and translation services by trained and competent providers on an "as-needed basis" for all possible languages. Fairfax County attempts to provide interpretation and translation services for all languages spoken in Fairfax County. The most common languages in need of interpretation and translation in Fairfax County are Spanish, Korean, Vietnamese, Urdu, Persian/Farsi, Chinese, and Arabic.
- 2.3 Translation is the transferring of written words and concepts from one language to another. Accurate translation requires fluency in both languages involved. Examples of documents for translating include brochures, letters, and legal or medical documents. Medical and court translations are specialized areas that require certification or experience in the respective fields. Translators are expected to produce accurate, complete, and readable translations taking into account cultural nuances and idioms.

Basic translation is the translating of a document by one person without professional proofreading or review for content, errors, context, or tone. Basic translation is not acceptable for use by Fairfax County.

SPECIAL PROVISIONS

Standard translation includes an initial translation by a native speaker and a professional review by another translator for content, context, and tone as well as for errors in the targeted language. A final review by a coordinator for continuity is also conducted. This is the minimum acceptable translation practice for Fairfax County.

Premium translation includes an initial translation by a native speaker, a professional review by a team of translators for content, context and general language application, a proof-reading for errors in the targeted language by another translator, and a final review by a coordinator for continuity, tone, and overall accuracy.

Interpretation is the verbal translation of spoken language. The County requires both telephone and face-to-face interpretation services.

- 2.4 In an effort to ensure that the specific needs and requirements of the County human service agencies are met, some services will need to be provided by certified or specialized interpreters or translators who are knowledgeable about industry specific terms such as medical and legal terms. The Health Department requires providers to be certified in medical interpretation/translation through a state or private certification process.
- 2.5 Fairfax County needs to have access to interpretation and translation services 24 hours a day, seven days a week. This will be achieved by contracting with one or more qualified vendors.
- 2.6 Fairfax County will collect statistics on performance of translators and interpreters. Both County staff and clients will be able to make complaints about and rate individual performance. Fairfax County reserves the right to perform audits of individual performance of both translators and interpreters without prior notice.
- 2.7 Fairfax County reserves the right to initiate and monitor a sample of interpreted calls and/or to tape and/or to test a sample of interpreters during the contract period to assess the level of translation accuracy and customer service.

3. TASKS TO BE PERFORMED:

3.1 Interpretation Services:

- a. Provide interpretation services (from English and to English) on an "as needed" basis for LEP clients in Fairfax County. Interpretation needs to be technically correct and culturally proper.
- b. Provide face-to-face and/or telephone interpretation services, based upon the needs of the using agencies. Face-to-face services will be provided in human service offices, or other locations for the purpose of home visits or site visits throughout Northern Virginia and possibly other parts of the Washington Metropolitan area.

SPECIAL PROVISIONS**3.2 Translation Services:**

- a. Provide translation services (from English and to English) on an "as needed" basis for LEP clients in Fairfax County. Translation needs to be technically correct and culturally proper.
- b. Provide translation services, based upon the needs of the using agencies. Translation services may be provided at the translators work site, or in other locations that are mutually agreed upon by both parties.

3.3 Bilingual Skills Assessment:

- a. Provide as needed assessment of language skills of County employees, contractors and job applicants through the use of written and/or oral assessments.

4. CONSULTING SERVICES:

- 4.1 The Contractor's staff must be available for consultation with County staff on an as-needed basis between 8:00 AM and 5:00 PM, Monday through Friday.

5. TECHNICAL PROPOSAL SECTION INSTRUCTIONS:

- 5.1 The offeror must submit the Technical Proposal in a separate binder containing the following information:
 - a. Name of firm submitting proposal; main office address; when organized; if a corporation, when and where incorporated; appropriate Federal, State, and County registration numbers; and annual report or financial statement. The County encourages the use of recycled products, therefore, it is urged that proposals be submitted on paper made from or with recycled content and be printed on both sides.
 - b. Which services are available: interpretation, translation, and/or language bilingual skills assessment? Offeror may propose any or all of these services.
 - c. List of all languages or dialects for which interpreters/translators are capable of providing services, in addition to English.
 - d. Maximum amount of time needed to respond to a request for interpretation/translation services.
 - e. Maximum distance willing to travel to provide interpretation/translation services.
 - f. Days and times available to provide interpretation/translation services.
 - g. Copy of certifications/accreditations possessed including the name and dates of certifications/accreditations for individual staff.
 - h. Policy and procedure for safeguarding confidential information that is disclosed while providing services under this contract.

SPECIAL PROVISIONS

- i. Policy and procedure for monitoring and correcting poor performance by interpreters, translators, and skills assessment evaluators.
- j. Details of any translation/interpretation specialization in the medical and/or legal fields.
- k. Detailed description of any specialized language certification process (medical, legal, other technical) employed by the bidder.

5.2 Understanding of the problem and technical approach.

- a. Statement and discussion of the requirements as they are analyzed by the offeror.
- b. Offeror should demonstrate an awareness of difficulties in the completion of this undertaking, and a plan for surmounting them.

5.3 Treatment of the Issues:

In this section, the offeror may also comment if deemed appropriate, on any aspect of the Request for Proposal, including suggestions on possible alternative approaches to the coverage, definition, development, and organization of the issues presented in the "Tasks to be Performed" section, and may propose alternative approaches.

5.4 Statement of Qualifications:

The Statement of Qualifications must include a description of organizational and staff experience, and resumes of proposed staff.

1. Organizational and Staff Experience: Offerors must describe their qualifications and experience to provide language interpretation and translation services as described in this RFP. Information about experience should include direct experience with providing language interpretation and translation services as well as any medical, legal or other technical translation skills possessed
2. References: Special notation must be made of similar or related language interpretation and translation services performed and must include organization names, addresses, names of contact persons, and telephone numbers for three professional references.
3. Personnel: Full-time and part-time staff; proposed Consultants and subcontractors who may be assigned direct work on this project should be identified. Information is required which will show the composition of the task or work group, its specific qualifications, and recent relevant experience. Special mention shall be made of direct technical supervisors and key technical personnel, and approximate percentage of the total time each will be available for this project. The technical areas, character and extent of participation by any subcontractor or Consultant activity must be indicated and the anticipated sources will be identified.

Resumes of staff and proposed Consultants are required which will indicate education, background, recent relevant experience with the subject matter of the project. Current telephone numbers must be included.

SPECIAL PROVISIONS

4. A staffing plan is required which describes the Offeror's proposed staff distribution to accomplish this work. It is mandatory that this section identify the key personnel who are to work on the project, their relationship to be contracting organization, and amount of time to be devoted to the project. This includes Consultants as well as regular employees of the offeror, if relevant.

6. BUSINESS PROPOSAL SECTION INSTRUCTIONS:

- 6.1 The offeror, as a minimum, must submit a cost proposal in a separate binder fully supported by cost and pricing data adequate to establish the reasonableness of the proposed fee. Appendix B must be used in completing the business proposal. The following information should be submitted as part of the business proposal:

The cost of each task or segment of the task shall be itemized.

- a. Offerors must provide a price breakdown for language interpretation and language translation separately. All overhead, benefits, postage, travel, etc. should be included in the rate quoted.
- b. Offerors must provide the per minute and hourly rates for providing language interpretation services for both face-to-face and telephonic services, if offering that service.
- c. Offerors must provide the per word rate for providing language translation services, if offering that service.
- d. Offerors must provide the per minute and hourly rates for providing bilingual language skills assessment services, if offering that service.
- e. Offeror must address if there is a minimum charge or quantity for any service.

Caution: Failure to provide breakdowns of cost items may render the Business Proposal non-responsive.

7. PRICING:

- 7.1 The subsequent contract will be a firm-fixed price contract. The fee(s) will remain firm and will include all charges that may be incurred in fulfilling the requirements of this contract. Changes in cost will be based yearly on the Consumer Price Index (CPI-U), Table 10, Selected Local Areas, Washington, DC-MD-VA, or other relevant trade publications, etc.
- 7.2 Price decreases shall be made in accordance with paragraph 43 of the General Conditions & Instructions to Offerors. (Appendix A)

8. REQUIRED SUBMITTALS

- 8.1 Each Offeror responding to this RFP must supply all the required documentation. An Offeror's failure to provide the documentation with the Offeror's response to the RFP will result in the disqualification of the Offeror's proposal.



FAIRFAX COUNTY

DEPARTMENT OF PURCHASING & SUPPLY MANAGEMENT
12000 GOVERNMENT CENTER PARKWAY, SUITE 427
FAIRFAX, VIRGINIA 22035-0013

www.fairfaxcounty.gov/dpsm

V I R G I N I A

TELEPHONE: (703) 324-3201 FAX: (703) 324-3001 TTY: 1-800-828-1140

ADDENDUM NO 1

TO ALL PROSPECTIVE BIDDERS:

SUBJECT: REQUEST FOR PROPOSAL: RFP03-658474-14

FOR: Language Interpretation and Translations Services

PROPOSAL CLOSING DATE: May 29, 2002 at 3 p.m.

THE SUBJECT REQUEST FOR PROPOSAL IS AMENDED AS FOLLOWS:

1. **Special Provisions, section 5.1 g: Delete and Replace with the following language:**

Offerors are no longer required to submit a copy of certifications/accreditations possessed for individual staff as stated in 5.1.g. Alternatively, the Offerors are required to describe in detail their internal procedures in regard to verification of staff certifications. If a contract is awarded, vendors may be asked to submit a copy of certifications/accreditations of staff.

2. **Special Provisions, section 5.5.4: Delete and Replace with the following language:**

Offerors are required to submit a staffing plan describing their staff distribution and to identify key personnel. Offerors are no longer required to identify the proposed individual translators and/or interpreters as part of the staffing plan as stated in 5.4.4. Alternatively, the Offerors are required to submit a current count of staff members broken down by language spoken and certifications or accreditations possessed. Offerors will be required to notify the County in writing if the count of qualified or certified staff changes by 20% for any one language.

3. Below are questions and answers from the pre-proposal conference dated May 15, 2003:

Q1: How many translation or interpretation vendors are currently being used by the County and what percent of business does each one get?

A1: The County currently rides multiple contracts from other jurisdictions. The Department of Purchasing and Supply Management does not track each agency's use of contracts so there is no exact dollar amount available.

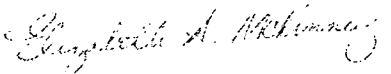
Q2: What is the volume of each type of translation (basic, standard, and premium) that the County expects?

A2: It is not possible to determine that at this point since it is left up to each agency to request the type of translation.

- Q3:** Does the County have a standard glossary of commonly used terms?
A3: No, but the County is currently producing a list of titles (people and programs) in English and Spanish. These lists will also be produced in Vietnamese and Korean at a later date.
- Q4:** Can vendors bid for only telephone or only face-to-face interpretation?
A4: Yes, vendors may bid on any or all of the services.
- Q5:** Does Fairfax County want written, spoken and reading comprehension as part of language skills assessment?
A5: Yes
- Q6:** Is the County interested in on-line bilingual assessment?
6 Yes.
- Q7:** Will face to face translation or interpretation services take place outside Fairfax County?
A7: It is possible that a vendor might be asked to travel outside Fairfax County to other jurisdictions in Virginia and the Washington Metropolitan area. It would be a good idea to propose travel costs both within Fairfax County and outside of Fairfax County.
- Q8:** Is the County looking for translation or interpretation of languages other than the seven major languages listed in the RFP?
A8: Yes, vendors should identify all languages they are capable of translating or interpreting.
- Q9:** Vendors have multiple prices for translation depending on the complexity of the language. Does the County want a price for each language?
A9: Yes.
- Q10:** Does the County have an idea of when the contract will be awarded?
A10: No, it depends on how long the evaluation process takes.
- Q11:** What is the acceptable length of the proposal?
A11: There is no minimum or maximum length for a proposal.
- Q12:** How much lead time is a vendor required to have, for face-to-face interpretations?
A12: Offerors are asked to provide this information in the proposals. The County is not specifying an amount of time.
- Q13:** Is there an average length of an interpretation assignment?
A13: No.
- Q14:** Is funding of this contract an issue?
A14: The program is approved as part of newly adopted FY04 budget.
- Q15:** Is Fairfax County interested in volume pricing?
A15: While the County cannot guarantee any volume for any particular vendor; vendors are free to structure the pricing in any way they feel might be advantageous to the County.

- Q16:** Does the County give preference to minority or female owned business?
A16: The Code of Virginia prohibits preferential treatment among vendors. However, the County's Small and Minority Business Program provides outreach services to the small and minority business community. For information on the County's program, please visit us on the web at <http://www.fairfaxcounty.gov/dpsm/osb/sbp.htm>.
- Q17:** Does the County have an idea of how many translation companies they are going to choose?
A17: No.
- Q18:** Is there a requirement for the County agencies to use the contracts that are awarded?
A18: No, but they will strongly be encouraged to use the vendors from this contract.
- Q19:** After the award, will each agency produce their own purchase order for their service?
A19: Yes.
- Q20:** Is the County interested in receiving proposals that would be for County staff education in using translation services?
A20: Yes, but not under this proposal. A separate solicitation would be issued to cover that requirement.
- Q21:** Does Fairfax County understand that there are very few organizations that certify or accredit translation or interpretation companies – in particular medical certifications?
A21: Yes. We are interested in hearing about any national, local, or internal certifications that your staff may hold in the areas of general, medical, legal, or technical certification. Vendors are encouraged to provide details of any internal certification processes.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.



Cathy A. Muse, CPPO
Director/County Purchasing Agent

THIS ADDENDUM IS ACKNOWLEDGED AND IS CONSIDERED TO BE PART OF THE SUBJECT REQUEST FOR PROPOSAL.

SIGNATURE: _____ **DATE:** _____

NAME OF FIRM: _____

TWO SIGNED COPIES MUST BE RETURNED PRIOR TO PROPOSAL'S CLOSING OR MUST ACCOMPANY TECHNICAL PROPOSAL.

Source: Fairfax County, Language Access Coordinator,
Office of the County Executive

Program Title: VOLUNTEER INTERPRETER PROGRAM

The Volunteer Interpreter Program

The Volunteer Interpreters Program was created in 1994 through the efforts of the Fairfax Bar Association and the Fairfax County Juvenile and Domestic Relations District Court to address the growing need for language interpretation for court cases. Originally designed to provide trained volunteer interpreters for courtroom interpretation for civil matters in the Juvenile Court, the program soon expanded to provide interpretive and translation services for all programs and services provided in the courthouse as well as for the Court's programs located in offices and facilities in other geographic areas of Fairfax County. In fact, much of its work includes services to the Domestic Relations and juvenile intake and probation offices, and at the juvenile detention and residential treatment facilities.

Volunteers are recruited from their respective communities who in turn are able to provide much needed interpreter services to assist staff in communicating with the court's diverse customer population. The volunteers devote substantial hours of volunteer service, offering compassionate and professional services to staff working with youth, parents, victims, and adults brought before the court's attention. The program enhances the criminal justice system within the community and helps explain the differences between cultures.

Prior to having this program, court staff had to rely on friends and relatives of defendants and even victims or respondents to provide interpretation services. This not only was embarrassing to the parties, but there were questions regarding the level of interpretative services. The volunteers brought dignity and professionalism to the court and the community.

Volunteers often act as culture-brokers and ease the transition of some ethnic communities whose experience in their countries may have been one of distrust of the legal and justice system. By having members from these immigrant communities assisting Court staff without being court employees/officers, the volunteers have been effective in increasing the trust and understanding of our justice system within their communities.

The court process is confusing and intimidating for most citizens, even when English is their first language. It is even more confusing for those citizens who do not have a high proficiency in English, and who have come from a culture that is very different from ours. Our volunteer interpreters work alongside the Court Service staff to identify the issues for each of the clients, determine the appropriate course of action, and then complete the necessary paperwork for the court process. When an interpreter is present, the client does not have to struggle with making themselves understood, and are able to communicate their issues calmly and receive appropriate services.

When clients come to our Court and are treated with respect and consideration, and have their issues addressed regardless of their language and culture, they begin to trust the justice system. They learn that the protections and services of the justice system are what they are entitled to as citizens of the community.

While Spanish is the primary language provided, the program also provides interpretation in Korean, Vietnamese, Portuguese, French, Arabic and Italian.

- **Basic statistics of the program. Number of volunteers per year - Number of paid staff working on the program - Program budget - Dollar value of volunteer time.**

Number of volunteer per year	→	30 volunteers
Number of paid staff	→	1 Volunteer Coordinator
Dollar value of volunteer work	→	The Court pays \$330 per 8-hour day for one Spanish Interpreter. Whereas, the volunteers provide the equivalent coverage of two full-time interpreters at a value of \$170,000.
Program Budget	→	\$40,000
Other measurable outcomes	→	The entire Court and Court Services process is expedited by having interpreters available for court hearings and for scheduled and walk-in clients. The Volunteer Interpreter Program has reduced the number of court hearings, which would normally have to be "continued" due to lack of interpreters. The program has also reduced the number of probation staff requests for paid interpreters. Services can be provided immediately for walk-in clients seeking service without having to schedule appointments with a paid interpreter.

- **Awards:**

1. NACO- National Association of Counties-"Act of Caring Award 2003"
2. 2003 Governor's Community Service and Volunteerism Award-"Outstanding Government Program"
3. President Award 2004 - "Daily Points of Light Award"
4. 2004 Fairfax County Volunteer Service Award

VIP Coordinator: Maria Agosto 703-246-2856